



SCOTTISH GOVERNMENT CHILD PROTECTION SYSTEMS REVIEW:

Child Protection Committees, Child Protection
Registers & Case Conferences, and Significant and
Initial Case Reviews

Background Paper Two: Child Protection Registers and Child Protection Case Conferences

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Introduction

- 1.1. On 25th February 2016, former Cabinet Secretary for Education and Life Long learning, Angela Constance MSP announced a National Child Protection Improvement Programme for Scotland in a statement to Parliament. This programme consists of a number of areas of work: a review of the formal elements of the child protection system; practice in the Children's Hearings system; steps to promote and support leadership; the role of inspection agencies; improving data and evidence; and action to address the impact of neglect on children. This complements ongoing work on addressing child sexual exploitation; child trafficking and internet safety.
- 1.2. The Scottish Government has established this review group to consider **formal child protection systems including Child Protection Committees, Child Protection Register and case conferences, and Significant and Initial Case Reviews**. This is the second in a series of briefing papers to inform the meeting of the Review Group on 27 September 2016. This paper explores legislation, policy and practice surrounding Child Protection Registers and Child Protection Case Conferences. While it is anticipated that discussions at the meeting will lead to further information and evidence being available to the Group, at the end of this paper some initial questions are posed on the current efficacy and future use of Child Protection Registers and Child Protection Case Conferences to identify improvements that would enhance outcomes for children and young people.

Background

- 2.1 It is very difficult to know the prevalence of abuse and neglect of children in Scotland. A UK-wide study based on self-report of child maltreatment found almost six per cent of children under 11, 18.6 per cent of 11–17s and 25.3 per cent of 18–24s had experienced severe maltreatment during their childhood (Radford et al., 2011). Research highlights that many children who experience abuse and neglect may not be detected, reported or recorded within formal child protection systems (Gilbert et al., 2009). For those children who do disclose abuse, it is most

likely to be to a mother or friend, rather than a professional. Some children report disclosing abuse and neglect, but remain 'unheard' and no action is taken (Allnock & Miller, 2013).

2.2 Any person can report concerns about the welfare of a child to a statutory agency (for example, to health, education, social care, police) or to the Children's Reporter. There is no nationally collected data on the number of contacts made by members of the public to statutory agencies (often made by telephone) where there are concerns about the welfare of a child. Contacts are also made by members of the public to the wide range of third sector organisations and helplines (such as NSPCC Helpline, Children 1st ParentLine Scotland, ChildLine, Stop it Now! and others). However, there is limited published data at a Scottish level available on the use of telephone helplines and websites for reporting abuse.

2.3 There is data on referrals made to the Children's Reporter either on offence or care and protection grounds. Around 13 688 children were referred to the Reporter on care and protection grounds in 2015/16; this represents 1.5% children and young people in Scotland under the age of 16 (SCRA, 2016). In 2015/2016, the police were the main referrer on care and protection grounds (67%), followed by social work (22%) and education (6%). Referrals from health professionals accounted for less than 1% of all care and protection referrals (Personal Communication, SCRA 2016). Of these, grounds were established for compulsory measures of intervention for around 26% of children and a hearing was held. A Children's Hearing will only be convened by the Reporter if it is considered that compulsory measures are required. For 35% of children referred to the Reporter, there was no indication of a need for compulsory measures therefore a Children's Hearing would not be convened.

2.3 Lack of parental care was the main reason for a care and protection referral as set out in the section 67(2) of the Children's Hearings (Scotland) Act 2011 (n= 5606); followed by child a victim of a Schedule One offence (n=1874) and a further 627 had a close connection with a Schedule One offender; 2498 children had a close connection with domestic abuse; 1950 had exposure to persons whose conduct

was likely to harm a child, and 189 had a close connection with a Sexual Offenders Act offender (SCRA 2016:9).

- 2.4 When there is a concern that a child (including an unborn child) is considered to be at risk of significant harm, an inter-agency Child Protection Case Conference is arranged by a local authority social work department. A Child Protection Case Conference involves a range of professionals, family members and the child (if appropriate) and will consider whether a multi-agency action plan and/or review an existing Child's Plan is required to reduce the risk of significant harm to the child. In 2014-2015, just over 6000 Child Protection Case Conferences (excluding reviews) were held in Scotland; of these, 73% resulted in a child being placed on the Child Protection Register (Scottish Government, 2016).
- 2.5 Over the last fifteen years there has been an upward trend in Child Protection Registrations; for example, between 2000 and 2015 there has been a 34% increase of the number of children on a Child Protection Register (Scottish Government, 2016). The most common concerns identified at Child Protection Case Conferences for children who were subsequently placed on the Child Protection Register were: emotional abuse (39%), neglect (37%) parental substance misuse (36%) and domestic abuse (35%). Around one in six children who are on a Child Protection Register had previously been on the Child Protection Register.

Legislation

- 3.1 There is no legal requirement for the use of Child Protection Registers, Child Protection Case Conferences or Child Protection Plans in Scotland; however, they are a core component of the Scottish Government (2014) [National Guidance for Child Protection in Scotland](#) (see section 4.2) The [Children \(Scotland\) Act 1995](#) has provided the main legislative framework for child welfare and protection in Scotland.

- 3.2 The [Children's Hearings \(Scotland\) Act 2011](#) sets out the duties and powers of local authorities, constables, courts and other persons to refer all children who may be in need of compulsory measures of supervision to the Scottish Children's Reporter Administration. When actions are required to protect children from abuse and neglect, Child Assessment Orders, Child Protection Orders and Interim Orders are used under 2011 Act.
- 3.3 The [Police and Fire Reform \(Scotland\) Act 2012](#) creates a single police service and a single fire and rescue service. Under section 37(1), the policing principles are to improve the safety and well-being of persons, localities and communities in Scotland. There is a requirement for the chief constable to make arrangements for local policing, including establishing a new formal statutory relationship with each local authority and designating a local commander for each local authority area (section 44-47). Police Scotland also maintains a database of vulnerable persons which includes children. This is used to ensure that officers attending incidents or receiving reports from members of the public are aware of the previous history involving the vulnerable individual which may have been dealt with by other officers and can alert officers to relationships which may give rise to concerns for the safety and wellbeing of the vulnerable individual which require further investigation or reference to the Children's Reporter.
- 3.4 The [Children and Young People \(Scotland\) Act 2014](#) places aspects of the Getting it Right for Every Child (Named Person, information sharing, Child's Plan, Wellbeing) on a statutory footing. The Named Person functions (which are still under development of final design following a decision of the Supreme Court in 2016 requiring further clarification by Scottish Government of the legislative mechanism and guidance on sharing of personal information) have been accepted by the Court as being introduced to promote, support and safeguard the wellbeing of the child or young person as set out in [Part 4: Provisions of Named Persons](#) of the 2014 Act and [associated statutory guidance](#) will be the relevant sources for this aspect of the Act. The delivery of the functions are intended to be part of the Named Person's day-to-day work and should build on a partnership approach when working with children and parents or carers. The Child's Plan – which can

include a Child Protection Plan – is required when a child has a wellbeing need that requires a targeted intervention as set out in [Part 5: Child's Plan](#) of the Act.

- 3.5 The UK Government ratified the [United Nations Convention on the Rights of the Child \(UNCRC\) 1989](#) in 1991. The UNCRC contains 54 articles; of particular interest are: Article 3 where the best interests of the child should be the primary consideration; Article 12 respect for the views of the child; Article 19 where governments must protect children from all forms of violence, abuse, neglect and mistreatment; and Article 34 protection from sexual exploitation. Part One: Rights of Children in the [2014 Act](#) requires Scottish Ministers and public authorities to report on steps taken to support the UNCRC.

Policy

- 4.1 Getting it Right for Every Child is the overarching policy aimed to promote and protect the wellbeing of all children in Scotland. This approach aims to achieve secure nurturing, positive childhoods, from which all children and young people can develop into successful learners, confident individuals, responsible citizens and effective contributors. The [Getting it Right for Every Child National Practice Model](#), with its Wellbeing Wheel, the My World Triangle and the Resilience Matrix, provides a holistic understanding of the child's developmental needs and how these can be met. This should form the basis of the Child's Plan. The [National Risk Framework to Support the Assessment of Children and Young People](#) (2012) provides an assessment model where there may be child protection concerns. This holistic approach builds on the GIRFEC National Practice Model for practitioners to approach the task of risk identification, assessment, analysis and management with confidence and competence.
- 4.2 In 2014, the Scottish Government published revised [National Guidance for Child Protection in Scotland](#) which provides clear guidelines on the use of Child Protection Registers:
- All local authorities are responsible for maintaining a central register of all children – including unborn children – who are the subject of an inter-

agency Child Protection Plan. This is called the Child Protection Register. The register has no legal status but provides an administrative system for alerting practitioners that there is sufficient professional concern about a child to warrant an inter-agency Child Protection Plan. Local authority social work services are responsible for maintaining a register of all children in their area who are subject to a Child Protection Plan, though the decision to put a child on the register will be based on a multi-agency assessment. The local authority may have its own register or maintain a joint register with other authorities. The Child Protection Register provides a central resource for practitioners concerned about a child's safety or care. If legal safeguards are required to protect the child or ensure compliance then a referral must be made to the Children's Reporter to allow consideration as to whether Compulsory Measures of Supervision are required (Scottish Government, 2014:17).

4.3 Local authority social work departments are responsible for the administration of Child Protection Registers. As set out in the National Guidance on Child Protection (2014) a person identified in the local authority, often known as the 'Keeper of the Child Protection Register' has key responsibilities:

- To ensure that the register is held in secure conditions and separate from agency records or case files;
- To ensure that all agencies are able to obtain access information at any time (24 hours availability; online accessibility if possible);
- To attempt to trace a registered child whose whereabouts become unknown, including notifications and alerts to other areas and services;
- To ensure the Scottish Government has up-to-date details of who is the keeper of the register.

4.4 In Scotland, a Child Protection Case Conference should be convened within 21 days (in comparison to a 15 day criteria for England, Wales and Northern Ireland). Local authority social work departments are responsible for arranging Child Protection Case Conferences. The conference will involve professionals involved with the family, family members and in some circumstances, children themselves. These conferences are required when a child is believed to be at risk of significant harm. Conferences should invite and involve a police officer if they have a role in the Child Protection Plan.

- 4.5 There are four types of Child Protection Case Conference: initial; pre-birth; review; and transfer as stated in detail in the National Guidance (Scottish Government, 2014: 100-102). An Initial Child Protection Case Conference will consider 'where there are reasonable grounds to believe or suspect that a child has suffered or will suffer significant harm from abuse or neglect, and that a Child Protection Plan is needed to protect and support the child' (Scottish Government, 2014:99). This case conference should consider whether the child is safe to remain at home or if a referral to the Children's Reporter is required. If a Child Protection Plan is required, a child's name will be placed on the local Child Protection Register. Those attending the Child Protection Case Conference are responsible for developing and agreeing a Child Protection Plan, which will be incorporated into the Child's Plan, and identifying the core group of staff responsible for implementing, monitoring and reviewing the plan. A Lead Professional will have responsibility for the Child Protection Plan.
- 4.6 The purpose of a Pre-birth Child Protection Case Conference is to decide whether serious professional concerns exist about the likelihood of harm through abuse or neglect of an unborn child when they are born. The participants need to prepare an inter-agency plan in advance of the child's birth. There needs to be consideration of whether: the child can go home after birth, whether a Child Protection Order is required, whether the child should be placed on the Child Protection Register, whether supervised access between parents and child is required. The pre-birth CPCC should take place no later than at 28 weeks pregnancy or, in the case of late notification of pregnancy, as soon as possible from the concern being raised but always within 21 calendar days of the concern being raised.
- 4.7 Where a child is no longer considered to be at risk of significant harm and a Child Protection Plan is not required, a Review Child Protection Case Conference is held to decide whether a child can be de-registered. This should not mean a withdrawal or reduction of support to a family; rather a recognition that a child is no longer at risk of significant harm.

4.8 Transfer Child Protection Case Conference specifically covers the transfer of information about a child where a Child Protection Plan is currently in place. Where a child and/or their family move permanently to another local authority area, the original local authority will notify the receiving local authority immediately, then follow up the notification in writing. Where the child moves to another authority the originating authority needs to assess this change in circumstances. If there is felt to be a reduction in risk the originating authority should arrange a review Child Protection Case Conference to consider the need for ongoing registration, or, if appropriate, de-registration. Where the original authority considers that the risk is ongoing or even increased by the move, the receiving local authority is responsible for convening the transfer Child Protection Case Conference. If a temporary move, there should be agreement between the two local authorities on how to monitor and implement the Child Protection Plan.

4.9 Core Groups are responsible for implementing and reviewing the Child Protection Plan. The group includes the Lead Professional, identified individuals, parents/carers and the child (as appropriate). As stated in the National Guidance (2014), the functions of a core group include:

- Ensuring ongoing assessment of the needs of, and risks to, a child or young person who has a Child Protection Plan;
- Implementing, monitoring and reviewing the Child Protection Plan so that the focus remains on improving outcomes for the child. This will include evaluating the impact of work done and/or changes within the family in order to decide whether risks have increased or decreased;
- Maintaining effective communication between all services and agencies involved with the child and parents/carers;
- Activating contingency plans promptly when progress is not made or circumstances deteriorate;
- Reporting to review Child Protection Case Conference on progress; and
- Referring any significant changes in the Child Protection Plan, including non-engagement of the family, to the CPCC chair.

Consideration of the involvement of the child should take cognisance of their age and the emotional impact of attending a meeting to discuss the risks they have been placed at. Children attending must be prepared beforehand to allow them to

participate in a meaningful way. It is crucial that their views are obtained, presented and considered during the meeting (Scottish Government, 2014:109).

Practice

- 5.1 In 2015, around 3 in every 1000 children under 16 were on a Child Protection Register in Scotland. However, there is variation across Scottish local authorities in the use of the Child Protection Register; for example, West Dunbartonshire had a rate of 1 per 1000 children being of the register compared to Clackmannanshire with a rate of 6.3 children per 1000 on the register (Scottish Government, 2016). There are also changing patterns for registration where contextual factors need to be understood; for example, East Lothian local authority attributed a significant drop in the number of children on the Child Protection Register due to the implementation of the 'Signs of Safety' approach used in Child Protection Case Conferences (67 children to 26 on the register).
- 5.2 Between 1st August 2014 and 31st July 2015, 2751 children were on the Child Protection Register in Scotland (Scottish Government, 2016). Of these children, 798 were looked after children. Over the last fifteen years there has been an upward trend in registrations; for example, between 2000 and 2015 there has been a 34% increase in the number of children on a Child Protection Register. There has been a fairly equal gender split of registration. Children can be placed on a Child Protection Register before they are born; around 5% of registrations are for unborn children. Just over half of all children on Child Protection Registers are under the age of five.
- 5.3 Since 2012, multiple concerns are recorded at a Child Protection Case Conference rather than main category of abuse; on average there were 2.5 concerns per registration indicating the multi-faceted problems facing families. The vast majority of registrations identified the known/suspected abuser as the birth parent (78%). The children were predominately of white ethnicity (75%, with

20% unknown) and around 5% have a disability (with a further 27% unknown) (Scottish Government, 2016).

- 5.4 Just over half of children (55%) were de-registered within six months and a further 32% deregistered within a year. Around 3% of children were on a Child Protection Register for two years or more. The reasons for de-registration included: improved home situation (55%), taken into care and risk reduced (13%), other carers (6%), removal of perpetrator (4%) and other reasons (Scottish Government, 2016).
- 5.8 There are a wide range of tools developed for practitioners to involve families in decision making where there are child protection concerns. As highlighted above, the Australian Signs of Safety model has demonstrated improved engagement with the family where there are child protection concerns, as well as higher levels of job satisfaction from front line social workers (Bunn, 2013). There is evidence for some successes in using Family Group Decision Making models (for example, Family Group Conferences) in engaging with families, especially where there is mistrust of social workers (Frost et al., 2014).

Evidence base

- 6.1 There is limited research on the role, function and associated outcomes for children who are placed on Child Protection Registers. A study of the use of Child Protection Registers in fifty local authorities in England found that custodians¹ of the register were concerned that enquirers felt a potentially false sense of security when aware that a child was on a register; conversely, a third of custodians were concerned that a child not being on the register gave a potentially false reassurance that there were no welfare concerns (Greenfields & Stratham, 2004). Child Protection Registers are no longer operating in England.

¹ 'Custodian' in an English context is equivalent to 'Keeper of the register' in Scotland.

- 6.2 Research conducted by the Scottish Children’s Reporter Association found an increasing trend in the use of Child Protection Orders, (including pre-birth) and the majority of children were consequently looked after away from their birth parents (70%). In the audit of CPO between 1st October and 31st December 2013, just over a quarter of Child Protection Orders (27%) were for pre-birth children with the most common established ground being ‘lack of parental care’ (77%) (Henderson & Hanson, 2015).
- 6.3 However, between 31 March 2015 and 1 April 2016, the number of children who were at risk of significant harm and were granted a Child Protection Order requiring a child/young people to be removed/or kept in a place of safety away from home decreased significantly (n=595) (SCRA, 2016). Of the 595 children for Child Protection Order referrals, around a quarter were for babies under 20 days old and over half were for children aged under two years old (n=323). A further 2670 children were subject to interim orders under section 86 and 140 the 2011 Act. This indicates Child Protection Orders continue to play an important role in protecting very young children in Scotland.
- 6.4 There is limited research on the experiences of children and families in child protection formal systems in Scotland.² In one small scale current Scottish study, eleven children and young people (six aged between twelve and fifteen years, five aged sixteen years or over) were consulted about their experience of the Child Protection system in a Scottish local authority (Woolfson et al., 2010). Six participants specifically noted that they were unaware they were on the Child Protection Register until they were contacted to take part in this current study; and of the five who knew they had been placed on the register at some stage, only two knew if they remained on it (ibid.:2079).
- 6.5 A file review study explored how children’s views were considered in Child Protection Case Conferences before, during and after a service to support children to participate in case conferences had been introduced in one Scottish local

² Please note a further paper in under development on children and families’ experiences to inform the review.

authority (Bruce, 2014). A case file review at two time stages was conducted on a sample of 21 children (aged 7-16 years old) who had a Child Protection Case Conference. The review found the majority of children did not attend the case conference (file review one: 86%; file review two: 93% non-attendance). The research highlights the challenges facing social workers in engaging with children to ascertain their views; 'for example, children were described as guarded, wary of professionals, "child does not trust people", and the child described as "closed and difficult to read" (Bruce 2014:521). A number of children's views were not documented due to having a learning disability.

6.6 In 2004, the Scottish Executive produced, [Protecting Children and Young People: The Charter](#) developed from research conducted by Save the Children to hear the voices of children and young people across Scotland. The focus groups included different groups of children and young people (for example, care experienced young people, disabled children), however, it did not specifically involve children who had experienced the formal child protection system. The key messages from children and young people were: Get to know us, speak with us, listen to us, take us seriously, involve us, be responsible to use, think about our lives as a whole, think carefully about how you use information about us, put us in touch with the right people, use your power to help, make things happen when they should, and help us be safe.

6.7 A study conducted of the child protection reform process considered the implementation of The Charter in one Scottish local authority. The research found that whilst professionals were knowledgeable about the Charter as an 'aspirational document', there was a lack of knowledge in how to apply the principles. Furthermore, children and families were largely unaware of the Charter (Vincent et al., 2010).

Some Questions

1. What are the advantages and disadvantages in using Child Protection Registers across Scotland?
2. Should we consider creating one National Child Protection Register? Would this solve the cross-local authority challenges?
3. How do Child Protection Registers reflect the prevalence of abuse and neglect in the community? Are any groups of children or types of abuse under-represented on Child Protection Registers or at Initial Child Protection Case Conferences?
4. What the strengths of Child Protection Case Conferences and what are the areas to improve? What might enablers and barriers to improvement be?
5. Are there particular evidence-based models or approaches that should be used in Child Protection Case Conferences and Core Groups?
6. How do children and families' experience Child Protection Case Conferences and Core Groups?
7. Do we believe that Child Protection Registers, Case Conferences and Core Groups are critical in protecting children at risk of significant harm? Are there other approaches we could take and what would be the rationale?

We would welcome any further reflections and consideration of these issues raised.

Please feel free to contact Louise Hill to discuss any aspect further. We would like all members to feedback on their wider discussions at the next meeting (18th October 2016). If you have lengthy feedback from different activities, please speak to Louise so we can build this into the agenda to allow sufficient consideration.

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