



## **Response to Equally Safe – consultation on a draft Delivery Plan 2017-21**

**June 2017**

CELCCIS, Scotland's centre for excellence for looked after children, works with partners to make positive and lasting improvements in the wellbeing of children living in and on the edges of care (such as those subject to child protection measures). This is a group of children which, while varied in their individual characteristics and histories, have all experienced major difficulties in their lives. They are acutely vulnerable, and require an early, holistic and comprehensive response to their needs.

We welcome this opportunity to comment on the **Scottish Government's draft Delivery Plan on Equally Safe**, a strategy for eradicating violence against women and girls. The strategy and plan relate closely to issues that may feature in the lives and experiences of looked after children, and those on the edges of care. Domestic abuse is amongst the most common grounds on which children are placed on the Child Protection Register,<sup>1</sup> **and having a 'close connection with a person who has carried out domestic abuse' was the third most common reason for children to be referred to the Scottish Children's Reporters Administration in 2015-16.**<sup>2</sup>

### **General comments**

We share the aspiration of the Equally Safe strategy, and the **Scottish Government's** vision of a Scotland where all individuals are safe and protected, and where woman and girls live free from all forms of violence, abuse and perpetuating attitudes. Whilst this consultation relates primarily to women and girls, we welcome the recognition of children of all genders as subject to harm through violence against women and girls, and the policy aim of improving experiences for **all** children affected by violence.

We agree that prioritising prevention is the right approach in order to eradicate the full continuum of violence against women and girls. A preventative approach underpins the [Getting it Right for Every Child](#) (GIRFEC) policy and practice framework, with its central objective the delivery of the right help, at the right time, in the right way, to children and families. Substantially and sustainably reducing levels of domestic violence is only possible with the full, properly resourced implementation of GIRFEC. Indeed, as GIRFEC **represents the overarching framework for all children's policy and service delivery** in Scotland, much greater emphasis and reference to it needs to be made throughout the Delivery Plan, and links made explicitly to relevant legislation and guidance. Despite the number of actions explicitly made in relation to children, across the range of services from universal, specialist and integrated, there is currently no mention of GIRFEC or any of its components (such as Named Persons) within the Delivery Plan. This requires rectifying. Just as families require clear, joined-up support from public agencies and their

partners on the ground, those agencies and their partners require policy, guidance and strategies (such as Equally Safe) which are themselves joined-up and reinforcing.

We agree that partnership working and collaboration are critical to the successful delivery of the Equally Safe strategy. A number of the key partners named within the draft Delivery Plan are also named as Corporate Parents in Schedule 4 of the [The Children and Young People \(Scotland\) Act 2014](#) (the 2014 Act), specifically Police Scotland, Scottish Children's Reporters Administration (SCRA), Scottish Prison Service, Scottish Legal Aid Board, Children and Young People's Commissioner for Scotland (CYPCS), Education Scotland and NHS Scotland. In recognition of the level of need and vulnerability of looked after children and care leavers, **and the state's responsibilities to safeguard their rights and promote their wellbeing**, Part 9 of the 2014 Act (and associated [statutory guidance](#)) requires Scottish Ministers, local authorities and a range of other public sector bodies as corporate parents to uphold particular responsibilities in all areas of their work. Corporate parents must be alert to matters which adversely impact on looked after children and care leavers, promote their interests, and enable them to make use of supports and services they provide. They must also collaborate with one another where doing so would promote the wellbeing of looked after children and/or care leavers. As such, particular attention must be paid to the needs of looked after children and care leavers when considering the delivery of Equally Safe by corporate parents.

In addition to the strong and effective partnership working between agencies, the role of local communities requires wider acknowledgement within the draft Delivery Plan. The views and rights of service users must be respected and taken into account for local service planning. A key recommendation from the report of the Christie Commission is that individuals and communities must be engaged and empowered to mobilise their assets, and to support self-reliance and community resilience.<sup>3</sup> Part 2 of [The Community Empowerment \(Scotland\) Act 2015](#) (and associated [statutory guidance](#)) highlights the role of community planning in reducing inequality, and places legal obligations on community planning partners to have particular regard to the participation of those experiencing inequalities. Further recognition of the assets within families and communities, and plans to mobilise them in eradicating violence against women and girls, would add much to the draft.

### **Implementing change**

The draft Delivery Plan is extensive, containing almost ninety separate activities and areas of work to take place over the next 10 years (with the vast majority either 'ongoing' or beginning in 2017). We have some concern that, in its breadth, parts of the plan are somewhat unfocussed and of limited depth or specificity. A number of the **actions are not 'S.M.A.R.T'**<sup>a</sup> and their desired impact is difficult to determine. This will have serious implications for determining the success of the plan. Examples include 'Capture the learning from participation approaches to inform future work...' (p16) and 'Continue to look at perpetrator programmes and consider where further efforts are required to identify and tackle behaviour with a view to rehabilitation and change' (p26). The plan would be strengthened with further details to ensure the objectives closer reflect S.M.A.R.T objectives wherever possible. Furthermore, in accordance with General Comment 5 (United Nations Convention on the Rights of the Child, 2003), national strategies which promote and respect the rights of children must not be simply a list of good intentions. The Delivery Plan must go beyond statements of policy and principle,

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<sup>a</sup> The widely used acronym developed by Doran (1981) for the writing of meaningful objectives - specific, measurable, achievable, realistic and time-bound.

and set real and achievable targets in relation to rights for all children to live free from the impact of violence and abuse against women and girls.<sup>4</sup>

While ambition and determination to act are understandable in such an important area, caution should be exercised when attempting to manage a number of complex change efforts concurrently. Whilst not disagreeing with the value of the objectives, we note plans to 'Commission the development of a sustainable model of training around gender based violence of public and third sector services' (p24), at the same time as acting to 'Develop the health service response to preventing and tackling violence against women using the World Health Organisation's resolution on gender based violence as a framework' (p22). Other activities in the draft Delivery Plan are of similar complexity as these two examples, and we have concern about the sector's (Scottish Government included) capacity to successfully design and implement such a number of new approaches simultaneously, in such a way that they are complimentary. As efforts at systems changes across the globe have shown, to achieve success (i.e. socially significant outcomes) it is necessary to use the best available evidence related to the process of designing, installing and embedding new approaches, informed by the population's needs, the available evidence about what works, the local context (or 'fit'), as well as sufficient financial and human resources to implement the service as intended.<sup>5</sup> Based on a review of the literature related to successful implementation efforts, it should be expected that full and effective implementation of a well-defined approach will take approximately 4 years. Plans and resources should be structured to reflect this.

### **Consultation questions**

#### ***PRIORITY 1: Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls***

##### **Please tell us about any of the priority 1 actions that you are particularly supportive of.**

Education and early years' settings can be stable, supportive places for vulnerable children, and a child's school is central to securing their wellbeing.<sup>6</sup> We support the plan to engage with the education system, and providers of early learning and childcare, to address gender based violence and stereotypes at an early and critical stage. Sadly, vulnerable children are amongst those most likely to miss out on early learning and childcare provision, and children who are looked after (particularly those 'looked after at home') have lower rates of school attendance compared to all children.<sup>7 8</sup> Additional support to communities and families whose children are not accessing early learning and childcare, or who have limited school attendance should be considered.

We fully support the work of the University of Strathclyde's [Equally Safe in Higher Education](#) (ESHE) Project to prevent and eradicate gender based violence in Higher Education, through the development of a toolkit to challenge gender-based violence (GBV) across Scotland's university campuses, beginning with Strathclyde as a pilot site.

##### **Are there any actions that you think are missing under priority 1? Do you have any suggestions for additional actions to focus on?**

The draft would be strengthened by explicit alignment with, and reference to, the implementation of GIRFEC under this (and each) priority area, particularly given the emphasis on childhood. For example, the draft recognises a need to widen the skill set of

the early learning and childcare workforce to help tackle gender stereotypes. Similar needs are identified in terms of the role of the Named Person, where the development of skills and ongoing role coaching for Named Persons would strengthen support for children's holistic wellbeing.

***PRIORITY 2: Women and girls thrive as equal citizens: socially, culturally, economically and politically***

**Please tell us about any of the priority 2 actions that you are particularly supportive of.**

We welcome the recognition of barriers to women's opportunities, particularly those associated with childcare costs and provision of high quality childcare. Additional barriers faced by women who are looked after or who are care leavers must also be addressed.

We fully support proposals for a Best Start Grant that provides effective support at key transitions in the early years, and ensures more joined up support for parents and carers throughout pregnancy and childhood. Best Start Grants must meet the needs of all parents and children, including those who are looked after or are care leavers (and we acknowledge the efforts being made by the relevant Scottish Government policy team to ensure the Best Start Grant attends to these). Although we do not have national data on how many looked after young people and care leavers are young parents in Scotland, evidence from an English study indicates rates of parenthood among care leavers are significantly above the average rates for young people.<sup>9</sup> Young parents who are care leavers may have additional vulnerabilities and it is imperative that they are supported to be the best parents they can be. In particular, attention needs to be paid to ensuring stability and continuity for young women who are care experienced, particularly in terms of ensuring they maintain relationships with carers and staff who can provide advice and guidance.<sup>10</sup>

The expansion of free early learning and childcare is a critical component of this Priority. This expansion must ensure equity (in terms of quality and accessibility) of provision for looked after two, three and four year olds, and children subject to a Kinship Care Order (as set out in Part 6 the 2014 Act). These are some of Scotland's most vulnerable children, likely to benefit the most from high quality, child centred, nurturing, early learning and childcare provision. But, as previously stated, unfortunately they are among the children who are most likely to miss out on the opportunities early learning and childcare represents. It is therefore critical that the expansion and reform of early learning and childcare attends explicitly, and in careful detail, to the issues of implementation, service delivery and uptake.

We agree that addressing issues of occupational segregation by gender must be addressed early, through school subject strategies in areas such as science, technology, engineering and maths (STEM) and via the Developing the Young Workforce programme. Looked after children and care leavers are a particularly underrepresented group within these subjects,<sup>11</sup> and there is a need ensure that younger looked after children get the right kind of help, without delay, to learn the important STEM building block skills of numeracy and literacy, especially where they fall behind because of placement moves and other disruptions.

**Are there any actions that you think are missing under priority 2? Do you have any suggestions for additional actions to focus on?**

A recognition of the additional barriers for women and girls who have experience of being looked after would strengthen this priority area of the draft.

***PRIORITY 3: Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people***

**Please tell us about any of the priority 3 actions that you are particularly supportive of.**

We particularly support the commitment to improve the experience of vulnerable witnesses, particularly child witnesses and complainers, through the greater use of pre-recorded evidence. Experiencing repetitive interviews can be re-traumatising for children, and interviews which do not correspond to the individual child's developmental stage have particular limitations.<sup>12</sup> In its Concluding Observations to the UK in July 2016, the UN Committee on the Rights of the Child noted serious concern that children who are victims or witnesses of crimes have to appear in court to be cross examined.<sup>13</sup> The [Scottish Courts and Tribunal Services Evidence and Procedure Review – Next Steps](#) report in 2016 noted that "changes to the rules of evidence and procedure should aim to... in the case of children, be designed to operate in the best interests of the child, in line with national policy" (p17). We recognise and support the ongoing work from the Evidence and Procedure Review in developing a future vision for taking all of the evidence of children and vulnerable adult witnesses in advance of trial, and in some instances, in a completely different way.

We welcome the recognition of the potential of the Barnhaus (or Barnahus) model. A recent report by the Children's Commissioner for England recognises that when children are the victims of sexual abuse, current systems are not child centred, and do not achieve the best results for children or the criminal justice system. The Barnahus (children's house) model in Nordic countries has been successful for these victims, both in terms of significant increases in charges and convictions of perpetrators of sexual abuse of children, and in terms of therapeutic outcomes for children and their families. This learning must be considered for the Scottish context.<sup>14</sup>

We fully support action to better incorporate a trauma informed approach within all relevant services, and note the specific action to identify leadership in the justice system to ensure this progresses.

**Are there any actions that you think are missing under priority 3? Do you have any suggestions for additional actions to focus on?**

Aside from the action to 'Work with the Scottish Civil Justice Council on case management in family actions including in relation to child welfare hearings' it is concerning that the draft Delivery Plan does not contain any detailed actions associated with court ordered contact for children where violence or abuse is alleged. A 2013 report for CYPCS found that in 97 cases relating to 155 children where there were allegations of abuse, 45% of children had a contact outcome that was consistent with their views, 20% had an outcome partially accommodating their views, and 34% had a contact outcome which bore no resemblance to their views. The report found that the views of very young children were least likely to be heard, whilst being the most likely to being subject to a contact order. Most contact/residence disputes were raised by fathers (75%). In the cases in which domestic abuse was alleged, it is significant that over two-thirds of the children living with their mothers did not want contact with their father, while two thirds of children living with their fathers wanted to return to live with their mother or to have

more contact with her.<sup>15</sup> **Children's views must be given appropriate weight, and advocacy should be available to enable children's voices to be heard and taken into due consideration.** Participation in decisions which affect their lives is a right, as set out in the UNCRC. That right is not contingent on their biological age.

Further detail regarding how lessons from the **'Safe and Together' model of child protection** within a domestic abuse setting will be shared would be beneficial, particularly given its recognition of domestic abuse as a parenting choice for which perpetrators must be held accountable. Women are often seen as primarily responsible for child safety despite the perpetrators responsibility for the abuse, and evidence suggests the **social attitudes that fuel domestic abuse and attribute blame to women for men's violence** can also be present in social work practice.<sup>16</sup> Practitioners often do not understand the context of abuse, and inappropriate demands are placed on women who go on to experience the threat of having their children removed. This threat can deny the efforts women have made to protect their child from abuse, and does not take into account the challenges and the increased risk of violence faced by women when leaving their abuser partner. **Failure by social workers to recognise the context of women's lives** and respond appropriately can re-traumatise women who have already experienced abuse and trauma.

Again, there is a need for reference to and alignment with GIRFEC under this priority. **For example, the learning from 'Safe and Together' must be instilled upon all Named Persons,** given the evidence noted about how even some specialist practitioners fail to understand and respond appropriately to domestic abuse.

***PRIORITY 4: Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response***

**Please tell us about any of the priority 4 actions that you are particularly supportive of.**

We strongly agree that victims of domestic abuse and coercive control must be further protected. It is essential that the full impact of domestic abuse on children is recognised, **that those responsible for abuse are held accountable, and that children's rights are upheld.** Article 19 of the [United Nations Convention on the Rights of the Child](#) (UNCRC, 1989), requires States to take all appropriate legislative and administrative measures to protect children from all forms of physical or mental violence, abuse, maltreatment and exploitation. We fully support the introduction of the Domestic Abuse Bill to Scottish Parliament, and the provision within that Bill of statutory aggravation when a child sees, hears or is present during (or is involved in) a course of abusive behaviour. This aggravation acknowledges that domestic abuse has an impact on children, and ensures that account is taken of this in sentencing. The aggravation reflects the harm caused to a child who grows up in an environment where domestic abuse is taking place, however we remain concerned that the full impact of domestic abuse on children is not reflected by the aggravation. It is not necessary for a child to directly witness domestic abuse for it to have an impact on their wellbeing, less direct exposure to the effects of abuse also have a significant impact, but are not necessarily accounted for within the Bill.<sup>17</sup>

**Are there any actions that you think are missing under priority 4? Do you have any suggestions for additional actions to focus on?**

Further detail is required concerning the action to **'Continue to look at perpetrator programmes...'** There is a need to work with perpetrators and offer support, to better understand what drives their domestic abuse, and what works to foster desistance.

## ***Cross cutting actions***

### **Please tell us about any of the cross cutting actions that you are particularly supportive of.**

We fully support the explicit recognition of violence against women and girls as a fundamental violation of human rights, and the placing of human rights at the centre of the draft Delivery Plan. Additional strength could be added by explicit reference to **children's rights, particularly the UNCRC**. Part 1 of the 2014 Act places duties on Scottish Ministers to consider and take appropriate steps to further effect the UNCRC requirements in Scotland. In taking a rights approach to violence against children, plans to respond to the current consultation regarding on the proposed [Children \(Equal Protection from Assault\) \(Scotland\) Bill](#) should form part of the draft Delivery Plan. The Bill aims to do remove the legal defence of "justifiable assault" of children, bringing Scotland in line with recommendations from the UN Committee on the Rights of the Child.

### ***'All Children'***

We support the intentions of the **'All Children'** actions, a number of which we have commented on under the four priority areas above. Further specific detail to make the objectives S.M.A.R.T is required in this section. For example, we fully support the **intention to 'develop understanding of the experience of domestic abuse by children in poverty, using this to inform the approach to tackling child poverty'**. This could have a significant benefit to looked after children and those on the edges of care whose lives are often shaped by poverty, but how this objective will be pursued is unclear.

It is critical that the barriers and additional vulnerabilities that impact upon looked after children are recognised and addressed in each area of activity. For example, within the action regarding implementation of the [National Action Plan to prevent and Tackle Child Sexual Exploitation](#), we highlight the explicit recognition of the increased vulnerability of looked after children (p2).

It is not clear what is meant by the first action in this section (Take forward a **programme of action to ensure vulnerable children... get access to the right help at the right time**), and further clarity on the detail of this programme, which the draft Delivery Plan states was announced in February 2017, is required.

### **Are there any cross cutting actions that you think are missing? Do you have any suggestions for additional actions to focus on?**

For reasons already stated, it is concerning that there is no explicit mention of the role of GIRFEC within the **'All Children'** theme, or elsewhere in the document.

Explicit mention of the vulnerabilities of looked after children and the responsibilities of corporate parents to safeguard their rights and promote their wellbeing would be welcome in this section.

## ***Questions for Groups & Organisations***

### **What role could your organisation have in contributing to this delivery plan?**

CELCIS contributes directly to the realisation of numerous parts of the delivery plan, particularly through our Protecting Children programme (which is part of the Scottish

Government's wider Child Protection Improvement Programme). We are also involved in supporting the development and implementation of a wide range of relevant policies and procedures (in education, health, welfare, etc.), on which the success of the Equally Safe plan is partly dependent. We would therefore welcome a discussion about how we can contribute further to the Equally Safe strategy and its delivery.

**Thank you for providing us with this opportunity to respond. We hope the feedback is helpful; we would be happy to discuss any aspect in further detail.**

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<sup>1</sup> Scottish Government (2017) [Protecting Scotland's Children and Young People: It is Still Everyone's Job](#). Edinburgh: Scottish Government

<sup>2</sup> SCRA (2016) [Statistical Analysis 2015/16](#). Stirling: SCRA

<sup>3</sup> Christie, C (2011). Commission on the Future Delivery of Public Services. Edinburgh: Scottish Government.

<sup>4</sup> UNCRC (2003) [GENERAL COMMENT No. 5 \(2003\)](#)

<sup>5</sup> Van Dyke, M & Naom, S.F. (2015): The Critical Role of State Agencies in the Age of Evidence-Based Approaches: The Challenge of New Expectations, *Journal of Evidence-Informed Social Work*, 00(1-14)

<sup>6</sup> CELCIS (2015) [Looked After and Learning – Improving the learning journey of looked after children](#). Glasgow: University of Strathclyde

<sup>7</sup> Mathers, S., Hardy, G., Clancy, C., Dixon, J. & Harding, C. (2016) Starting Out Right: early education and looked after children. London: University of Oxford/Family and Childcare Trust

<sup>8</sup> Scottish Government (2016) [Education Outcomes for Looked After Children 2014/15](#), Edinburgh: Scottish Government

<sup>9</sup> Winterburn, M (January 2015) '[Finding their Feet: Equipping care leavers to reach their potential](#)', Centre for Social Justice, London

<sup>10</sup> Scottish Government (2013) [Staying Put Scotland Guidance](#), Edinburgh: Scottish Government

<sup>11</sup> Scottish Government (2016) Science, Technology, Engineering & Mathematics: Consultation on a strategy for education and training, Edinburgh: Scottish Government

<sup>12</sup> Nicol, A., La Rooy, D. & Lamb, M.E. (2017) '[Evidence-based and developmentally appropriate forensic interviewing of children](#)' Ch 15 in Dixon et al (eds) (2017) *The Wiley Handbook of What Works in Child Maltreatment: An Evidence-Based Approach to Assessment and Intervention in Child Protection*; Chichester: Wiley

<sup>13</sup> UNCRC (2016) [Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland](#)

<sup>14</sup> Children's Commissioner (2016) [Barnahus: Improving the response to child sexual abuse in England](#), London: Children's Commissioner for England

<sup>15</sup> MacKay, K. (2013) [The treatment of the views of children in private law child contact disputes where there is a history of domestic abuse: A report to Scotland's Commissioner for Children and Young People](#), Edinburgh: SCCYP

<sup>16</sup> Watson (2017) IRISS Insight 36 - Domestic abuse and child protection: women's experience of social work intervention. IRISS

<sup>17</sup> Holt, S et al. (2008) The impact of exposure to domestic violence on children and young people: A review of the literature, *Child Abuse & Neglect* 32 pp 797–810.