



SCOTTISH GOVERNMENT CHILD PROTECTION SYSTEMS REVIEW:

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

Background Paper One: Child Protection Committees

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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 first in a series of three briefing papers to inform the meeting of the Review Group on 19 August 2016, this paper provides general background information on Child Protection Committees, exploring some of the law, policy and practice affecting professionals working with this current component of the system. 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 of Child Protection Committees to identify improvements that would enhance outcomes for children and young people.

Background

- 2.1 Child Protection Committees (CPC) are current strategic fora for local interagency child protection partnerships. They are locally-based, inter-agency strategic partnerships responsible for the design, development, publication, distribution,

dissemination, implementation and evaluation of child protection policy and practice across the public, private and wider third sectors in their local authority locality and in partnership with all those working in child protection across Scotland. Their role, through their respective local structures and memberships, is to provide individual and collective leadership and direction for the management of child protection services within their local remit and in Scotland. They work in partnership with their respective Chief Officers and the Scottish Government to take forward child protection policy and practice. This needs to be achieved in conjunction with other planning mechanisms and priorities, in particular arrangements for integrated children's services planning, community planning and other public protection as described in [The National Guidance for Child Protection in Scotland 2014](#).

Legislation

3.1 There is no legislative requirement for Child Protection Committees in Scotland. However, the following legislation is relevant:

- The [Children \(Scotland\) Act 1995](#) (section 19) sets out the responsibilities for each local authority to prepare plans for children's services in their area. The Act also requires local authorities to consult a range of partners and recognises the importance of the participation of children, young people and their families. (this will be replaced by the 2014 Act when it comes into force)
- 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.
- The [Children and Young People \(Scotland\) Act 2014](#) outlines the duties and planning arrangements that should be in place for children's services to safeguard, support and promote the wellbeing of children and young people (from 1st April 2017).
- The [Local Government in Scotland Act 2003](#) outlines the duty on local authorities to establish and maintain a process of community planning and the

power to enhance well-being.

- Under the [Adult Support and Protection \(Scotland\) Act 2007](#) (section 42), Adult Protection Committees have been placed on a statutory footing. In some areas, there has been integration with Adult Protection Committees and Child Protection Committees.

In addition, there is range of overarching and relevant legislation concerning the protection, safety and planning responsibilities and duties for local authorities, public services and organisations.

Policy

- 4.1 Child protection and the planning for children's services are viewed within the context of the wider Getting It Right For Every Child (GIRFEC) approach, and the UN Convention on the Rights of the Child (UNCRC). Child Protection Committees were first established in Scotland across each local authority in 1991. Since then, they have been subject to reforms and review. The Scottish Executive's Child Protection Reform Programme (2003-2006) resulted in guidance, [Protecting Children and Young People: Child Protection Committees](#) (2005).
- 4.2 That process review, undertaken to consider the planning and progress of the child protection reform programme, found that the [Protecting Children and Young People: Framework for Standards](#) (2004) and [Protecting Children and Young People: Child Protection Committees](#) (2005) were particularly important in improving roles, effectiveness, significance and influence. There were differing opinions from those consulted about Child Protection Committees not being put on a statutory footing compared to Local Safeguarding Children's Boards in England and Wales.
- 4.3 The [National Guidance for Child Protection in Scotland 2014](#) (updated from 2010) provides a national framework for agencies and practitioners at a local level to understand and agree processes for working together to safeguard and promote the wellbeing of children. It also sets out expectations for strategic planning of services

to protect children and young people and highlights key responsibilities for services and organisations, both individual and shared. This guidance incorporated the Framework for Standards and Child Protection Committee Guidance.

- 4.4 The Guidance is described as ‘deliberately specific to reflect the continuing significant importance of Child Protection Committees’ and, as such, provides a detailed outline of the core functions of continuous improvement, strategic planning and public information and communication. It describes the role of the Child Protection Chair, the need to appoint a Lead Officer and the necessity to have other relevant resources in place. It describes the roles and strategic responsibilities of Chief Officers, individual and collective, for the leadership, direction and scrutiny of their respective child protection services and their Child Protection Committees as well as the necessary connections with other strategic planning fora.
- 4.5 There is a range of relevant policy and guidance documents to support Child Protection Committees to fulfil their role and functions. Inspections agencies have provided specific guidance; for example, HMIE (2009) [How well do we protect children and meet their needs?](#) and subsequently the Care Inspectorate (2014a) [How well are we improving the lives of children and young people? A guide to evaluating services using quality indicators](#). To support the work of Child Protection Committees, the Scottish Government developed the [National Framework for Child Protection Learning and Development](#) (2012) and [National Guidance for Child Protection Committees: Conducting a Significant Case Review](#) (2015). Furthermore, CPC should have strong connections to other public protection fora; for example, Multi-agency Public Protection Arrangements (MAPPA), Alcohol and Drug Partnerships, Violence against women forums.
- 4.6 In a broader context, there has been increasing awareness of the different risks for children, including those that occur out with the family home. This has been informed by evidence from a number of sources, including lessons from Serious Case Reviews in England and Significant Case Reviews in Scotland. In response, a number of policy and guidance documents across key areas relevant to the

protection of children have been developed. These include those relating to parental substance misuse, gender violence, forced marriage, trafficking, child sexual exploitation, disability and female genital mutilation. Child Protection Committees, through their core functions are expected to consider these distinct themes within their local context, for example through local procedures, guidance, quality assurance activity or learning and development, as well as contribute to national developments through national forums and national working groups.

Practice

5.1 The [National Guidance for Child Protection in Scotland 2014](#) is a key practice document for Child Protection Committees. Detailed core functions are outlined across the following areas:

Continuous improvement

- Policies, procedures and protocols;
- Self-evaluation, performance management and quality assurance;
- Promoting good practice;
- Training and staff development.

Strategic planning

- Communication, collaboration and co-operation;
- Making and maintaining links with other planning fora.

Public information and communication

- Raising Public Awareness;
- Involving children and young people and their families.

5.2 The structure and context of each Child Protection Committee is decided locally which means there can be distinct differences between Committees. Chairs can be independent or from local operations and some individual chairs may also be the chair of the Local Adult Protection Committee. The structure for each Committee and their subgroups to deliver the work also vary, aligning with other protection committees or with broader children's services multi-agency planning groups. An

accurate and full picture of the resources in place to support the work of each committee across Scotland is not available. This includes basic information on the training and administrative supports, budget and reporting arrangements.

- 5.3 Alongside the recommended local connections, Child Protection Committees have established networks through a National Groups of CPC Chairs, Lead officers, Trainers and Cross Authority consortia. These networks provide opportunities to share information and progress activities and themes across child protection, with other National Groups and assist the progression of relevant national agendas. For example, the post of National Child Protection Committee Co-coordinator was established to support the National Child Protection Committee Chairs Forum (now Child Protection Committees Scotland) to take forward national priorities and to help both Child and Adult Protection Committees increase consistency and reduce duplication of effort. The work undertaken by Child Protection Committees on Child Sexual Exploitation is an example of the value of these networks. The high level of commitment and activities to highlight and address risks associated with child sexual exploitation by all of these Committees was noted by the Care Inspectorate (2014b). This issue was explored at national Child Protection Committee forums, Committee representation on national working groups and the West of Scotland Consortium commissioned practice guidance and training materials for national distribution.
- 5.4 There have been a number of recent reports that have considered strengths and potential challenges of Child Protection Committees (Brock 2014, Care Inspectorate 2014b, 2015). Brock highlighted issues caused by the '*current sprawling landscape of policies, guidance, funding streams and initiatives*' for planning children's services and '*how the replication 32 times at Community Planning Partnership (CPP) level will present inevitable challenges, particularly with overlay of local policy and operational and protocols*' (Brock 2014:13). It was within this context, that Brock observed Child Protection Committees discharging their functions as a '*variable picture*' (2014:10). That report posed questions relating to the reach and

penetration into wider organisational arrangements and their differing links and relationships with Community Planning Partnerships and Chief Officers. Brock's recommendations specific to Child Protection Committees include the need for the Scottish Government, Chief Officers and Child Protection Committees to review the impact of Health and Social Care Integration and for Child Protection Committees to set out proposals in their annual reports to raise community awareness of their work.

5.5 Similarly, the Care Inspectorate (2014b) described a '*mixed picture*' in relation to the arrangements for leading and delivering effective services to protect children and young people. The report considered key themes including leadership and direction through Child Protection Committees, child sexual exploitation and initiatives in the sector. Chief Officers' Groups and Child Protection Committees were described as '*continuing to make significant strides in improving the quality of services*' and themes relevant to the most effective Committees were highlighted, including:

- Effective leadership, solid partnership working and active, energetic working groups progressing key priority areas.
- Independent chairs and new structures have the potential to bring new perspectives and opportunities.
- Sound quality assurance systems adopted, performance jointly monitored across relevant services and systematic approaches to joint self-evaluation.
- Results from quality improvement used to inform priorities and reinforce a collective commitment to meeting them.
- Good quality quantitative and qualitative data used for measuring and reporting on progress against agreed priorities.
- Strong links between the work of Child Protection Committees and integrated children's services planning.

5.6 The Care Inspectorate identified the following themes required attention if improvements were to be delivered:

- Further assessment of the effectiveness of child protection arrangements in those areas where key aspects of operational management are at an early stage of development.

- Varied approaches to taking forward significant case reviews.
- Absence or undeveloped collection and analysis of robust self-evaluation to inform trends, inform service planning and delivery or evidence ongoing improvement.
- Limited support, challenge, direction from Chief Officers to Child Protection Committees.
- Lack of clarity about roles, responsibilities or governance arrangements in the relationship between Chief Officers and Child Protection Committees.
- Deficiencies or changes in leadership and governance structures for public protection or problematic planning arrangements for integrated children's services.

5.7 This Review Group will need to consider how best to align activities and analysis with that undertaken by the Care Inspectorate. The Care Inspectorate 2014 report also outlined their role in future work with Child Protection Committees, this included:

- Help develop a set of proxy indicators of improved outcomes for children in need of protection across the wellbeing indicators.
- Support the development of sound performance management information about the quality and effectiveness of key processes.
- Promote joint reporting about public protection by Child and Adult Protection Committees and encourage committees to consider how best to report on their business plans, standards and the quality of their performance.
- Support and challenge Child Protection Committees to consider why there are very low numbers of children and young people being placed on the Child Protection Register because they are at risk of sexual abuse.
- Monitor the impact of changing structures and re-organisation on strategic partnerships for public protection.

Evidence base

6.1 There is limited research specific to the role and functions of Child Protection Committees in Scotland. One small scale study commissioned by a Child Protection Committee was undertaken in 2007 and highlighted the importance of strong leadership from the chair, good working relationships, multi-agency procedures being produced, high quality training but also raised some issues with unequal power relations across organisations, little knowledge about the work of the Child Protection Committees at practitioner and manager level, difficulties with

attendance and participation, absence of a budget and poor use of data (Skinner & Bell, 2007). These themes were reflective of the broader evidence considered by Sen & Green-Lister (2010) who highlighted: the need for clearer funding arrangements, clearer lines of accountability, better use of data and made the point that for strategic multi-agency work to be sustainable it needs to be embedded in organisational culture.

- 6.2 There is very little detailed comparative research available on the similarities and differences between international child protection formal systems (Wood, 2016). Across the UK, there are established structures to support child protection systems; in England and Wales (from 2004) and latterly Northern Ireland (2011), Local Safeguarding Children's Boards became part of a statutory framework. This was not always the case, the shift occurring in response to the previous non-statutory Area Child Protection Committees being deemed to have performed poorly in some areas and research suggesting their lack of statutory power limited their effectiveness (SSI et al., 2002).
- 6.3 Review and evaluation of these structures have taken place. It may be helpful to consider some of the information that has emerged. In 2011 the Welsh Assembly undertook an inquiry into their Local Safeguarding Children's Boards (LSCB) and identified weaknesses in joint working arrangements between LSCBs and other local partnerships; shortcomings in the current arrangements for funding; a disconnect between the strategic work of LSCBs and the knowledge and awareness of front-line practitioners; variation across Wales in effectiveness to protect vulnerable groups of children; problems with information sharing across agencies; and a lack of meaningful participation by children and young people in the work of LSCBs. They proposed a long list of recommendations, including the need for guidance on accountability and information sharing, address inconsistency in terminology, awareness raising, review the resource costs associated with undertaking Serious Case Reviews and duties of partner agencies and on a national funding formula for LSCBs.

6.4 In England the focus on the statutory framework for Local Safeguarding Children's Boards has re-emerged (Wood, 2016). A review found *'the duty to cooperate is not a sufficient vehicle to bring about effective collaboration between the key agencies of health, the police and local government'*. Recommendations from this report included introducing a new statutory framework for multi-agency arrangements for child protection, *'requiring the three key agencies, namely health, police and local authorities, in an area they determine, to design multi-agency arrangements for protecting children, underpinned by a requirement to work together on the key strategic issues set out in the report'* and for these three agencies to make clear their leadership responsibility, including the identification of a Chief Officer in each of the agencies to have responsibility and authority for ensuring full collaboration with those statutory arrangements.

6.5 For the purpose of the English review of Local Safeguarding Children's Boards, Wood undertook a rapid literature review and whilst not entirely transferrable to the Scottish context, it is useful to consider the relevant themes:

- There is varied performance on LSCBs in data collection and scrutiny, their ability to challenge and evaluate their own performance.
- Input from children and young people is an area that appears to need progress.
- Training is provided but is not sufficiently evaluated.
- There are concerns about the resource pressure from carrying out SCRs.
- Early help responsibilities and referral thresholds are an issue in some LSCBs.

In terms of facilitators and barriers, Wood found:

- A good breadth of committed and active partners and the pivotal importance of LSCB Chairs.
- The need for a national data set was highlighted, as this would help LSCBs monitor and evaluate their performance.
- The most effective Boards had been realistic about what they could achieve and avoiding an overly ambitious remit but on the other hand, some LSCBs are struggling with broadened remits and would welcome clarity from central government on their core priorities.
- Some LSCBs would welcome a nationally agreed formula for contributions.
- There is dissonance between the degree to which LSCBs are held accountable and the level of power and authority they have to exercise their responsibilities and in particular hold partners to account.

- The need for the LSCB to be sufficiently independent from its key partners (and in the main the local authority) is an issue for some.
- Some LSCBs are working well with other strategic partnerships but clarity of how these strategic bodies all related to each other was wanted.

6.6 In the Scottish context, there is some similarity between these themes noted across the English review and the recent policy reports within Scotland. The structural issues and the complexities of multi-agency planning within organisational contexts are clear challenges. The concepts of well-being, early recognition and prevention are increasingly gaining focus in Scotland as they have been in the rest of the UK since the early 2000s. Therefore, considerations of how these concepts align with the formal systems for children at significant risk of harm and in need of protection are relevant.

Some Questions

1. What are the current strengths and limitations of Child Protection Committees?
2. What are the benefits and limitations of Child Protection Committees being placed on a statutory footing? What can we learn from LSCBs and Adult Protection Committees?
3. Is there a cohesive picture in terms of delivery, effectiveness of meeting the core functions? Would a central analysis of annual reports and other data allow appropriate comparison and highlight best practice and room for improvement?
4. Is there a cohesive picture of the key elements that support delivery of CPCs including necessary structural issues/supports (funding, leadership, etc)? Is there adequate information and research on strengths and challenges faced by individual CPCs? Is the current legislative and guidance framework sufficient?
5. What role does Child Protection Committees Scotland play in supporting Child Protection Committees?
6. How are Child Protection Committees framing and operationalising the GIRFEC concept of well-being and risk at a strategic service planning level and at operational practice? What about from a children's rights perspective?
7. Are separate Child Protection Committees needed? Could the work as well or better if integrated with Community Planning Partnerships? What is the impact of any merger with an Adult Protection Committee?

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