

Child Protection Improvement Programme

Report

Ministerial Foreword



On 25th February 2016, the then Cabinet Secretary for Education and Lifelong Learning, Angela Constance MSP, announced in Parliament that the Scottish Government would be undertaking a Child Protection Improvement Programme (CPIP). The Programme's core objective was to identify where recommendations for sustainable improvement could be made, building upon the observable improvements in practice that have already taken place in recent years and seeking to further embed Scotland's unique approach to child wellbeing: *Getting it Right for Every Child* (GIRFEC).

I am pleased to publish the report of the Child Protection Improvement Programme (CPIP), along with the report of the Child Protection Systems Review, independently chaired by Catherine Dyer, 'Protecting Scotland's Children and Young People: It is still everyone's job'. I accept the suite of recommendations and actions contained in these reports, and believe that their implementation will strengthen our child protection system.

The Child Protection Improvement Programme report sets out 35 Actions covering children's hearings; leadership and workforce development; inspections of children's services; neglect; data and evidence; child sexual exploitation; child internet safety; and trafficking. The Systems Review report makes 12 recommendations, covering Initial and Significant Case Reviews, Child Protection Committees, the Child Protection Register, and matters of leadership, governance and accountability.

Importantly, these reports mark a milestone in the Improvement Programme, not a conclusion. This government is absolutely committed to protecting children and young people and have already implemented a range of work with our partners to ensure children are given every opportunity to thrive. Scotland's children and young people deserve no less than our full joint commitment to continuing to work together to ensure

that the recommendations and actions within these reports are implemented and further advance the progress already made.

I would like to take this opportunity to thank all of those who worked in partnership with the Scottish Government throughout the Child Protection Improvement Programme and System Review to identify the priority areas for improvement, and develop meaningful recommendations and actions that will help to improve the life chances of our most vulnerable children and young people. Their commitment and expertise have proven invaluable.

A handwritten signature in black ink, appearing to read 'M McD', is centered on the page.

MARK MCDONALD

Minister for Childcare and Early Years

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1.0 Executive Summary

1.1 Our vision for a child protection system in Scotland is one *that keeps children safer from abuse and neglect by placing the wellbeing of Scotland's children at the heart of everything it does* by:

- being rooted in GIRFEC;
- both engaging early and supporting families;
- empowering practitioners to intervene to protect children when support is not working; and
- having a transparent and learning culture which values and supports its workforce.

1.2 The Child Protection Improvement Programme (CPIP) was established in February 2016. There are nine interconnected work strands which are helping to deliver our child protection system vision (the Child Protection Systems Review; Neglect; Child Sexual Exploitation; Child Trafficking; Child Internet Safety; Children's Hearings; Inspections; Leadership; and, Data and Evidence – see Sections 5.1-5.9). Partnership with stakeholders has been fundamental to the programme's delivery through the External & Internal Advisory Groups; a Systems Review Group and other strategic and working groups. This report sets out the key messages from CPIP so far and the actions that we will take forward in the next phase of the programme.

1.3 A review of the formal elements of the child protection system (child protection committees; initial and significant case reviews; the child protection register and case conferences) was conducted. This review, led independently by Catherine Dyer, former Crown Agent and Chief Executive of the Crown Office and Procurator Fiscal Service, included representatives from key stakeholder groups. Its findings have focused on three thematic areas: Leadership, Governance and Accountability; Developing a Learning Culture, and, Shared Values. Twelve recommendations emerged from the review and the Scottish Government has accepted these in full.

1.4 An Improvement Programme has been started in response to Neglect as it is the primary maltreatment issue faced by Scotland's children and there are known weaknesses in the current assessment of, and response to, the problem. The improvement programme has been complemented by work to update research on the current state of neglect in Scotland and what works well in tackling it. As part of this work, we have examined the current legislative protection that exists in relation to child neglect. The existing offence relating to child neglect dates back to 1937 and, inevitably, the understanding of childhood neglect has evolved over the intervening time. We have therefore concluded that there would be benefit in amending section 12 of the Children and Young Persons (Scotland) Act 1937 (the child cruelty provision).

1.5 The implementation of the Scottish Government's *National Action Plan to Prevent and Tackle Child Sexual Exploitation*, updated in March 2016, has continued to

progress. Action has taken place to advance knowledge and awareness of Child Sexual Exploitation (CSE), including publishing a definition of CSE and launching an award-winning awareness raising campaign. Work is underway to develop an approach to collecting consistent local information on CSE, along with a range of other activities. The CSE National Group to Prevent and Tackle Child Sexual Exploitation has been instrumental in working with Scottish Government on these implementation activities.

1.6 The Human Trafficking and Exploitation (Scotland) Act 2015 (the 2015 Act) has led to the drafting of a national trafficking strategy and includes an agenda for children and young people. Work to be undertaken covers: revision of the presumption of age guidance; the commitment to put the Guardianship Service on a statutory footing and listening to stakeholder reflections on the UK national referral mechanism pilots.

1.7 *The Scottish Government's Programme for Scotland* contained the Scottish Government's commitment to publishing a refreshed child internet safety action plan by March 2017 to ensure appropriate training, support and information is in place. We have been working with stakeholders to develop the action plan and to take forward ongoing work, such as working UK Safer Internet Centre to provide briefing sessions for practitioners and engagement with social media and industry.

1.8 The multi-agency Children's Hearings Improvement Partnership (CHIP) has scrutinised the impact of recent legislative and practice changes to the Children's Hearings System leading to actions around influencing the treatment of 16 & 17 year olds by the care and justice system and implementing the recommendations of "[The role of the Solicitor in the Children's Hearings System](#)¹". These are already in progress. CHIP will continue to look at process improvements – especially where the youngest children are involved and will also look at relevant recommendations from the Systems Review.

1.9 A short-term working group, comprising those organisations currently contributing to the inspection and scrutiny of children's services, has been convened to devise and recommend a new framework of inspections, focussing on the needs of the most vulnerable. In doing this, the group will consider feedback from other work streams across CPIP and the role of self-evaluation within the inspections framework. The new framework will be in place, as the old one concludes, at the end of 2017.

1.10 The programme's data and evidence work stream has reviewed existing child protection data, identifying what data is available that can be used to inform child protection policy and practice and also identifying gaps in both available data and the wider evidence base. Areas for improvement include evidence of the immediate impact of child abuse, prevention of child abuse and reducing the risk of harm for key vulnerable groups such as disabled children and looked after children.

¹ [The role of the Solicitor in the Children's Hearings System](https://www.celcis.org/knowledge-bank/search-bank/role-solicitors-childrens-hearings-system/) – CELCIS 2016
<https://www.celcis.org/knowledge-bank/search-bank/role-solicitors-childrens-hearings-system/>

1.11 The child protection leadership and governance landscape is complex with many agencies involved and individuals often playing more than one role. The Review Group identified the need for a National Child Protection Leadership Group to further support, strengthen and improve activity on child protection across Scotland. This Leadership Group, once established, will develop regional leadership events for local child protection leaders to network, share good practice and horizon scan for new risks.

1.12 There has been broader learning from the programme in three areas: firstly, the need to focus more on child protection in the wider context of GIRFEC – the protection of children beyond the specific requirements of the formal child protection system; secondly, an enhanced understanding of the factors that can impact parents' capacity to meet their children's needs and a corresponding awareness of the range of policy areas that can contribute to keeping children safer – including preventing abuse, and, thirdly, the requirement for the Programme to take a more strategic approach to involving children and young people. This learning will inform future programme actions.

2.0 Table of Actions

This table contains all the actions which have emerged from the work of the Child Protection Improvement Programme to date. The background and context of these actions is explained in section 5 of this report.

| | Action |
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| | CHILD PROTECTION SYSTEMS REVIEW |
| 1 | We accept in full the recommendations set out in the report of the Child Protection Systems Review Group and will work with stakeholders to develop a plan to take forward the Review recommendations. |
| 2 | We will reconvene the Child Protection Systems Review Group in April 2018 in order to review progress on the recommendations |
| | NEGLECT |
| 1 | We will bring together the range of relevant policy areas across government to identify how policy agendas can be better aligned to tackle neglect. This collaborative approach will be reviewed as it develops to identify learning to inform wider work on early intervention and prevention and used as the basis for discussion with relevant partners on identifying sustainable approaches to preventing and combatting the impact of neglect. |
| 2 | The key findings of the research undertaken by the Centre for Child Wellbeing and Protection will be used to inform the neglect improvement programme. |

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| 3 | The results of the CELCIS neglect improvement work in Dundee, Inverclyde, and Perth & Kinross will be evaluated following the completion of Phase 1 in March 2017, and if proven to be promising, the improvement work will be expanded to other test sites in 2017. |
| 4 | We will hold a formal public consultation in 2017 on section 12 of the Children and Young Person's (Scotland) Act 1937 to explore the limitations of the current offence and the scope of a reframed offence. |
| CHILD SEXUAL EXPLOITATION | |
| 1 | An annual cycle of reporting to Ministers on the progress of the National Action Plan to Prevent and Tackle Child Sexual Exploitation (CSE) will be established, starting with the first report due in March 2017. |
| 2 | The newly developed indicators will be applied to measure the progress of the National Action Plan to Prevent and Tackle Child Sexual Exploitation. |
| 3 | The CSE data collection template will be tested and fully rolled out, to assist with understanding the scale in Scotland. |
| 4 | We will continue to work with the National CSE Group to implement the National Action Plan. |
| CHILD TRAFFICKING | |
| 1 | A working group will be formed to take forward the revision of existing age assessment guidance to reflect the presumption of age provided for in section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015. |
| 2 | Following the outcome of the UK National Referral mechanism pilots in summer 2017, there will be an undertaking to receive feedback from key stakeholders regarding the continued use of the National Referral |

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| | Mechanism for children and young people in Scotland. |
| 3 | Research regarding routes into child trafficking in Scotland will be commissioned. |
| 4 | The statutory independent child trafficking guardianship role will be implemented. |
| | CHILD INTERNET SAFETY |
| 1 | We will publish an action plan on child internet safety by March 2017. |
| 2 | We will work with the UK Safer Internet Centre to deliver online safety briefing sessions across Scotland |
| 3 | We will continue to participate in the Executive Board of the UK Council for Child Internet Safety (UKCCIS) and explore with social media providers and industry how we can improve child internet safety in Scotland |
| | CHILDREN'S HEARINGS |
| 1 | The CHIP will oversee delivery of the work plan to implement the recommendations from the study on "The Role of the Solicitor in the Children's Hearing System". |
| 2 | The CHIP will consider whether the speed and quality of the process can be improved – especially for the youngest children - with an emphasis on timely processing of cases where grounds are sent for proof. |
| 3 | The CHIP will consider how to take forward relevant recommendations from the Child Protection Systems Review with a view to building a clear collective understanding of when child protection concerns can give rise to consideration of compulsory care measures. |

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| 4 | The CHIP will continue influencing work regarding the treatment of 16 and 17 year old children within the care and justice system, to introduce practice and behavioural improvements, and will consider whether further legislative change is necessary. |
| INSPECTIONS | |
| 1 | The Care Inspectorate will chair a short life working group to develop a revised framework of inspections that focuses on the experiences and outcomes of the most vulnerable children. |
| 2 | In developing the revised framework, the group will consider all recommendations relevant to inspections from other work streams of the Child Protection Improvement Programme, in particular (but not confined to) the Systems Review, Data & Evidence and Leadership. |
| 3 | This group will consider how scrutiny and improvement work can best be provided for services for all children and families, including collaborating with other partners to develop and improve the use of self-evaluation tools. |
| 4 | This group will provide a report to Ministers by 31 May 2017, recommending the way forward for a revised inspection framework. This framework is to be in place by the time the current framework concludes in December 2017. |
| LEADERSHIP AND WORKFORCE DEVELOPMENT - | |
| 1 | We will build on the 2016 Leadership Summit and Child Protection Frontline Practitioner events held in the first phase of CPIP. We will work collaboratively across the existing leadership and workforce development landscape to take forward actions from across the CPIP work streams. |
| 2 | We will establish a National Child Protection Leadership Group as recommended by the Child Protection |

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| | Systems Review Group which will be chaired by the Minister for Childcare and Early Years. |
| 3 | We will work with the Leadership Group, once established, to develop a number of regional leadership events for all Chief Officers' Groups and Chairpersons of Child Protection Committees to network, share good practice and collectively horizon scan for new risks facing children and young people. |
| 4 | We will work with the bodies who can support practitioner engagement and workforce development to identify and build on shared opportunities for strengthening child protection practice. |
| DATA AND EVIDENCE | |
| 1 | We will expand analytical capacity to develop and deliver a Child Protection data improvement programme. |
| 2 | We will establish a Child Protection Data and Evidence Hub to develop a more co-ordinated strategic approach to sharing learning and to help inform local planning and service development as recommended by the Child Protection Systems Review Group. |
| GENERAL | |
| 1 | We will articulate a national child protection policy including a National Child Abuse Prevention Plan, which creates strong and dynamic cross-government policy connections to keep children and young people safe. This will allow us to more easily identify particular issues and what may be done to support families better. |
| 2 | We will work with Children in Scotland to develop a process for providing confidential expert advice from the children's sector to support officials across Scottish Government in consulting on new policy, strategy or legislation; and the Directorate for Children and Families will take the lead in promoting and embedding this approach across Scottish Government. |

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| 3 | We will work with Child Protection Committees (CPCs) to get a picture of current participation work with children and young people – with a view to collectively sharing good practice and learning. |
| 4 | We will work with children and young people with lived experience to develop a strategic approach to their involvement in child protection policy development. |

3.0 Introduction

3.1 Our Vision

Our vision is that the Child Protection Improvement Programme will deliver a Child Protection System that keeps children safer from abuse and neglect by placing their wellbeing at the heart of everything it does.

It will be a system that:

- is embedded within Getting it right for every child (GIRFEC) and underpinned by prevention, early intervention and partnership working, recognising that child wellbeing and protection is a collective responsibility
- engages with families early and listens to children, young people and families in order to provide the right support at the right time
- enables practitioners to make the right decisions at the right time to protect children where support is not working
- is transparent and learning, using evidence to effect practice improvements
- values and supports its workforce.

3.2 Why a Child Protection Improvement Programme?

The Cabinet Secretary for Education and Lifelong Learning announced this Child Protection Improvement Programme in February 2016. The Programme was developed with the input of key stakeholders in the child protection sector. The Cabinet Secretary emphasised the many positives in our child protection system, as highlighted by the Care Inspectorate's Triennial Review in 2015 and a review undertaken by Jackie Brock, Chief Executive of Children in Scotland, in 2014. These strengths are the stability and consistency of the national approach; the introduction of GIRFEC and the Children and Young People (Scotland) Act 2014; the Joint Inspections Regime; and the commitment and dedication of social work professionals.

Notwithstanding these undoubted strengths, the reviews also highlighted persistent and common concerns: weak leadership and accountability, inconsistency in practice at local level and a lack of sharing of and learning from best practice. They also worryingly recorded real and systemic weaknesses in the fundamentals of child protection practice, which are resulting in unacceptable variability in outcomes for children. They noted that a key basic weakness across our system exists in competence and confidence in assessing and responding to risks. The Cabinet Secretary was clear that action was needed immediately to address these concerns.

The context child protection services work in has already changed in recent years. Greater emphasis is now placed by Government on creating a culture across public services where everyone recognises their responsibility to provide wide-ranging protection for children. This reflects what already happens in supportive communities who recognise it takes a community to raise, and protect, a child.

Increased emphasis is also being placed on early intervention with families, acting to prevent the later need for formal care interventions and to prevent these escalating.

Despite these efforts, data suggest that need is growing and we are identifying more children who need protection and families who need support. We therefore continue to need formal child protection systems which can provide specific and targeted support and effective services and processes for the most vulnerable children in our society. Equally, we must ensure that this system is capable of responding effectively to emerging risks and needs, including the impact of increased and sustained poverty in children's lives, stemming from the UK Government's austerity and welfare reform measures; as well as the emerging risks brought about by advancing technology.

Formal child protection systems in Scotland have remained fundamentally unchanged since they were introduced: for example the basic format of Child Protection Committees has not changed since they were established in 1991; and the format of Significant Case Reviews has not changed since the first interim guidance was published in 2007. The evidence suggests that publishing guidance is not sufficient to achieve necessary culture and practice change. This led the Cabinet Secretary to seek the necessary assurance that we have a robust and effective system of child protection, based on a comprehensive review of policy, practice, services and structures.

3.3 Summary of Actions taken forward as part of the Programme

We set up a **Systems Review Group** and appointed Catherine Dyer to independently chair that group. The group reviewed policy, practice, services and structures in our current child protection system to identify strengths, achievements and priorities for change. The group reviewed the following elements to ensure that they work together to create a holistic, coherent and responsive child protection system that optimises outcomes for children:

- Child Protection Committees
- Initial Case Reviews
- Significant Case Reviews
- The Child Protection Register

The **Children's Hearings** Improvement Partnership scrutinised the impact of recent legislative and practice changes to the Children's Hearings System. They identified action to strengthen consistency and effectiveness, with a particular interest in the impact of increased legal representation at hearings and how the system works for our oldest children. The CHIP will go on to consider whether the process for considering our youngest children's interests is the right one.

We have asked the Care Inspectorate to Chair a Short Life Working Group to look at the **shape of future inspections** for children.

Recognising the extent and impact of neglect on our children and young people, we have:

- Commissioned a Neglect Improvement Programme to work in 3 local areas, putting evidence into practice and learning from that with a view to expanding this nationally, enabling practitioners to identify and respond to neglect in a way that makes an impact.
- Commissioned an update to the 2012 '[Review of Child Neglect in Scotland²](#)' as well as a rapid review of legislation and policy, and extant academic literature, to provide us with a holistic picture of neglect across the country.
- Reviewed section 12 of the Children and Young Persons (Scotland) Act 1937 (the child cruelty provision) and will have a public consultation in 2017 to explore a change to the offence.

Policy work was already in hand to cover the specific areas of **internet safety**, **child sexual exploitation** and **child trafficking**. Recognising that none of these areas of child protection stand alone, we have included this work within CPIP and have been able to take advantage of the wider programme in making progress. There is further detail on each of these areas within the report.

We have considered the best way to embed leadership at all levels throughout the child protection system and are ready to take forward actions around **leadership and workforce development**.

Ensuring the point of **view of children and young people** is integral to CPIP is a challenge that we have started to address for the whole programme, and will develop further.

²Daniel, B., Burgess, C. & Scott, J. (2012) [Review of Child Neglect in Scotland](http://www.gov.scot/Resource/0039/00397132.pdf) , Scottish Government
<http://www.gov.scot/Resource/0039/00397132.pdf>

Likewise, **Data and Evidence** relates to all of the work that we do. We need good datasets and evidence to make sure our actions are evidence-based and also to measure if changes we make result in improvement. We have considered what data and evidence is currently available and have suggested ways this could be improved to better inform the national and the local picture.

3.4 How to use this report

This report contains a chapter on each of the areas of work within the Programme. Each chapter provides basic key messages and a summary of actions. We have also provided a more detailed section “Further Details” for each of these chapters.

4. Background

4.1 The Policy Landscape

As our vision for child protection sets out, and its place within the GIRFEC national approach affirms, child protection is so much more than the formal child protection structures – important though these are – it also relates strongly to public services in health, education, communities, justice and others.

The GIRFEC approach is, as its name suggests, a holistic one – a framework for considering the need of every child and young person and the support they require – either through universal services or specific services.

The National Child Protection Guidance in Scotland was published in 2014 (revising and updating the 2010 guidance) in order to:

- set out a national framework to help shape local practices and procedures;
- improve how all professionals and organisations work together to give children the protection they need, quickly, effectively, timeously; and
- highlight the shared responsibility that our agencies and services have for protecting children and safeguarding their welfare.

There are recommendations in this report which will require updating aspects of the 2014 guidance.

Child protection is everyone's job. A national Child Protection Policy will allow us to more easily identify and address specific issues within the system as they arise.

Evidence demonstrates a correlation between neglect and poverty: it should come as no surprise that living in poverty and poor housing can present challenges that can, in some cases, have an impact on people's parental capacity. We must therefore ensure that our policies enable a holistic system to be built that acknowledges the challenges that families can face. This should recognise, value and foster strong and consistent relationships between children and young people and their families, carers and practitioners – across the spectrum of health; education; communities and housing – and help break the cycle of intergenerational poverty and its effects.

If we can ensure effective early intervention and family support, we can prevent children and young people reaching the care system. In its continuing work, the Child Protection Improvement Programme will connect with the Care Review, which is

currently being developed. The experiences of children on the edge of care impact on their resilience and capacity and therefore on their outcomes. This is true whether a child remains on the edge of care or becomes looked after. The children impacted by the Child Protection Improvement Programme are most likely to be children either on the edge of care or who are already being looked after.

Through its focus on outcomes and early intervention, the government has a range of policy and legislative programmes underway which offer the opportunity to create the child protection system we aspire to across the key areas already identified: health; education; communities & housing, rather than focusing primarily on social work.

Health – The recent integration of health and social care has the potential to be a powerful instrument for change, strengthening a community-based approach to healthcare. This is reflected in our action to address addiction and mental health - key areas which continue to affect children's outcomes and in which joined up services have already been recognised as pivotal in supporting treatment and recovery for families. The publication of the new Mental Health Strategy for Scotland will support this. The revised Universal Health Visiting Pathway, in collaboration with local authority and 3rd sector community support, continues to be critical in the early identification and prevention of neglect. Recognising the vital contribution of early support to good outcomes, the Maternity and Neonatal review has made recommendations on how to create the right experience and outcomes for mothers and babies based on the best evidence available. Alongside this, pilot Family Nurse Partnership sites are enabling us to test the provision of specific intensive support for young expectant parents.

Education – the Government is committed to raising educational attainment and to narrowing the attainment gap between the most and least affluent communities. To achieve this, it will be essential to address the root causes of this attainment gap, and all too often these are the same factors which give rise to heightened risks of child protection concerns.

Communities – The Child Poverty and Domestic Abuse Bills will provide a platform to create more resilient and safer communities: the Child Poverty Bill through its ambition to eradicate child poverty and monitor it closely in the meantime; the Domestic Abuse Bill through its introduction of an offence of domestic abuse which, when coupled with our Equally Safe Strategy, creates an environment hostile to domestic abuse. The Realigning Children's Services programme is working with Community Planning Partnerships (CPPs) to support communities to make better decisions using high quality data on local need, to improve the lives of children in their area adopting a joint strategic commissioning approach. [The Evidence and](#)

[Procedures Review](#)³ is considering the needs of children and young people and vulnerable witnesses within the judicial process.

Housing - there is a strong commitment to increasing the affordable housing supply – with a target of 50,000 homes by the end of this parliament with 35,000 of these being for social rent. In addition, the Home Energy Efficiency Programmes for Scotland target fuel-poor areas to provide energy efficiency measures to a large number of households. This will help to reduce fuel poverty so facilitating income maximisation.

The work underway within CPIP, in tandem with the policy and legislative initiatives outlined above, offer opportunities for policy interaction to strengthen our national child protection policy. For example, learning from the Neglect Improvement Programme may well help to inform work across other policy areas through issues uncovered in the local test areas.

4.2 Stakeholder Engagement

We are fortunate that the Children’s Sector is a vibrant and diverse community comprising local authorities, third sector organisations, research centres, national bodies, health boards and child protection-specific organisations, such as CPC Scotland, all of whom are committed to the debate on how to improve child protection outcomes across Scotland.

We have engaged with stakeholders in a variety of ways, from the independently-chaired Child Protection Systems Review Group, established to contribute to the review of the formal aspects of the child protection system, and the External Advisory Group, which includes representation of a wide-ranging group of stakeholders with a child protection interest, to the smaller stakeholder groups, such as the Child Trafficking and Exploitation Group, and via updates on the Scottish Government website. Internally, we have also sought to engage other policy areas with an interest in child protection – across the Scottish Government - by means of a virtual group; the Internal Advisory Group.

At the Child Protection Leadership Summit in June, Paul Brannigan, one of our guest speakers, reflecting on his own childhood, challenged leaders from local authorities, the third sector and government to “stand in the shoes of the child”. We have started working to listen and involve children and young people’s voices and will develop this further as we implement the programme.

³ [The Evidence and Procedures Review](#) – Scottish Court Service, March 2015

5.0 Programme Findings and Actions

5.1 Child Protection Systems Review

Key Messages

- The Child Protection Systems Review Group, chaired by Catherine Dyer, was asked by Ministers to look at the operation of the formal child protection system – child protection committees, the child protection register and case conferences, and initial and significant case reviews - and to recommend what changes or improvements might be needed to these underpinning processes and structures in order to protect children more effectively. The Systems Review Group met between August and December 2016.
- The Systems Review Group found that when children or young people are identified as being at risk of or subject to significant harm then the child protection system in Scotland works well and the components that the Group were asked to review are capable of delivering the support needed for these vulnerable children and young people.
- The Systems Review Group acknowledged that the issues the System deals with are complex and sensitive, with new risks emerging. There is considerable complexity in the system with multiple organisations which have very different boundaries, resources, governance and accountability routes.
- The Systems Review Group identified three thematic areas that are particularly important in continuing to improve our protection of children: *Leadership, Governance and Accountability; Developing a Learning Culture; and Shared Values*. The Review Group's report, which is published alongside this report <http://www.gov.scot/ISBN/9781786528285>, includes 12 recommendations – the full list of recommendations can be found in Annex A.

Actions

- 1. We accept the recommendations set out in the report of the Child Protection Systems Review Group in full and will work with stakeholders to develop a plan to take forward the Review recommendations.**
- 2. We will reconvene the Child Protection Systems Review Group in April 2018 in order to review progress on the recommendations.**

Further Details

The Child Protection Systems Review Group has been independently chaired by Catherine Dyer (former Crown Agent and Chief Executive of the Crown Office and Procurator Fiscal Service) and involved representation from a wide range of professionals with child protection expertise at a national and local level. These included professionals from local authorities, health boards, COSLA, Police Scotland, inspection bodies, Scottish Children's Reporter Association, Social Work Scotland, the third sector, as well as membership organisations and academia. The Group met five times between August and December 2016.

Background papers summarising legislation, policy, practice developments and research evidence on different aspects of child protection in Scotland were prepared for the Systems Review group. At each stage of the process, Systems Review Group members consulted via their organisations and networks and provided written and/or oral feedback. Over forty written consultation responses were analysed as part of the review process and were supplemented by attendance at various strategic meetings and visits to services supporting children and families.

The Systems Review Group's discussions were structured around the formal elements of the child protection system. This led to three overarching and cross-cutting themes being identified as critical to improving processes and structures in order to protect children and young people more effectively: Leadership, Governance and Accountability; Developing a Learning Culture; and Shared Values.

Leadership, Governance and Accountability

The Systems Review Group identified leadership as a critical factor in creating a system with effective processes and a culture to ensure children are protected from abuse and neglect. The Systems Review Group concluded that there is a need for increased coordination to strengthen and support practice and deliver greater consistency across the country. The Systems Review Group has recommended the establishment of a National Child Protection Leadership Group to support this. The Systems Review Group recommended that the Leadership Group should identify work needed to support Chief Officers to strengthen delivery of their responsibilities and that there should be regional leadership events for Chief Officers Groups and Chairs of CPCs.

The Systems Review Group discussed how child protection processes were used with 16 and 17 year olds and concluded that there was a lack of consistency and some ambiguity. Specifically the inability to refer 16 and 17 year olds to the Children's Reporter when there is a need for compulsory measures (apart from in

particular circumstances), means that there are challenges in the interaction between the child protection system and the Children's Hearings System. The Systems Review Group recommended that work should be done to clarify this and all measures available to protect 16 and 17 year olds.

Developing a Learning Culture

Working with children who are at risk of significant harm and their families is complex and challenging and the Review reinforced the importance of a continuous learning approach. The Systems Review Group recommended that the new Leadership Group, along with Child Protection Committees Scotland, should support a continuous improvement approach and that the Scottish Government should establish a strategic programme to develop robust data sets to support this.

The Systems Review Group looked in particular at current approaches to Initial (ICRs) and Significant Case Reviews (SCRs), with a focus on how learning from these reviews is shared and implemented. The Care Inspectorate currently receive copies of all SCRs and the Systems Review Group recommended that their role also be extended to act as a central repository for all ICRs and that the Care Inspectorate should explore development of a 'Community of Practice' portal to support better sharing of learning. The Systems Review Group also recommended that a new tiered approach to, and methodology for, ICRs and SCRs should be developed, based on the 'Child Practice Review' three level model used in Wales, which will help get learning into the system faster; and that work should be undertaken to develop a set of national standards setting out skills and competences for those undertaking reviews.

Shared Values

The overarching theme of shared values emerged in relation to children and young people, families and the workforce. The Review identified local examples of good practice in involving children and young people in child protection processes but that this was not consistent or widespread. The Systems Review Group recommended that the Children and Young People's Commissioner Scotland should be invited to work with partners to develop a programme of work to understand children's experiences of formal child protection systems in Scotland. The Systems Review Group recognised the importance of ensuring that children, parents and wider families are part of the decision-making processes and that there are a range of approaches that can be used in child protection processes to support parental and wider family participation. It was recommended that Child Protection Committees should explore a range of approaches to Child Protection Case Conferences that are underpinned by a strengths-based ethos.

5.2 Neglect

Key Messages

- Neglect is the primary maltreatment issue that children in Scotland currently face. We know that emotional abuse and neglect remain the most common reasons for a child or young person to be placed on a child protection register.
- As at 31 July 2015, 2,751 children were on the Child Protection Register. 39% had been the subject of emotional abuse and 37% had suffered from neglect. Moreover, 'lack of parental care' is the most common reason for referral to the Children's Reporter, with 5,606 referrals in 2015/16.
- We know that there are areas of promising practice in dealing with neglect throughout Scotland. However, the Care Inspectorate's Triennial Review and the Brock Report both highlighted weaknesses in assessing and responding to instances of unmet need and exposure to risk.
- We are undertaking three pieces of work in response. Firstly, we have commissioned both a review of existing policy, legislation and literature, and an updated national survey on neglect to ensure that we have a robust and coherent national framework for responding to child neglect that is evidence-led. Secondly, we have commissioned a Neglect Improvement Programme, which will utilise improvement methodology, informed by internationally reputable research and empirical findings 'on the ground' and shaped by a culture of continuous improvement, to reduce neglect and its impact on our children and young people. And, thirdly, we have conducted a review of section 12 of the Children and Young Persons (Scotland) Act 1937 (the child cruelty provision) to develop a greater understanding of its limitations and inform future changes to this provision.

Actions

- 1. We will bring together the range of relevant policy areas across government to identify how policy agendas can be better aligned to tackle neglect. This collaborative approach will be reviewed as it develops to identify learning to inform wider work on early intervention and prevention and used as the basis for discussion with relevant partners on identifying sustainable approaches to preventing and combatting the impact of neglect.**
- 2. The key findings of the research undertaken by the Centre for Child Wellbeing and Protection will be used to inform the neglect improvement programme.**

- 3. The results of the CELCIS neglect improvement work in Dundee, Inverclyde, and Perth & Kinross will be evaluated following the completion of Phase 1 in March 2017, and if proven to be promising, the improvement work will be expanded to other test sites in 2017.**
- 4. We will hold a formal public consultation in 2017 on proposals to amend section 12 of the Children and Young Person's (Scotland) Act 1937.**

Further Details

The Brock report noted that there is no shortage of legislation, national strategies and policies which contribute to the protection of our vulnerable and at risk children and young people. However, together these produce a complex landscape for those working in the sector to navigate. This complexity has a particular relevance when it comes to neglect. Evidence suggests that a number of factors are often associated with neglect within families: poverty; parental mental health issues; drug and/or alcohol misuse; and domestic abuse . Whilst the vast majority of parents living in poverty do not neglect their children, parenting effectively when living with poverty, poor housing and a lack of local resources is particularly challenging. When thinking about how we support effective parenting, we need to take account of these wider issues and the policies that impact on them. In discussion with stakeholders, the Scottish Government has identified a need to develop an approach to neglect that engages across government in order to deliver greater coherence and value.

1. The Neglect Improvement Programme, led by the Centre for Excellence for Looked after Children in Scotland (CELCIS) (University of Strathclyde)

CELCIS have been working collaboratively with Dundee, Inverclyde and Perth & Kinross to develop and test improvement approaches to neglect. These local areas have been assessing needs, identifying the strengths in their system and exploring areas for improvement which will contribute to real and sustainable improved outcomes for vulnerable children and families. This approach relies on both developing and applying a range of effective interventions, based on the best available local, national and international evidence, and, by working in partnership with current experts in the field.

Local teams are guided by the science and practice of implementation. Particular attention is paid to: building local capacity to support effective improvement efforts; using data to inform decision-making, problem-solving, and continuous improvement; and, to developing the necessary implementation infrastructure (collaborative partnerships, and system alignment) to sustain the improvement effort to address neglect and enhance wellbeing.

CELCIS will provide a report to the Scottish Government, based on the findings from the local test sites, by the end of March 2017. This report will determine if the improvement programme work should be rolled out to further test sites.

2. Review of existing policy, legislation and literature, and updated national survey by the Centre for Child Wellbeing and Protection (CCWP) (University of Stirling).

The Centre for Child Wellbeing and Protection was asked to undertake rapid reviews of existing policy (local and national), legislation and academic literature. This was done to develop a holistic picture of child neglect across Scotland and to identify effective practice responses to neglect. This will support the dissemination of promising practice in responding to child neglect. They were also asked to collate evidence from existing neglect response toolkits.

This is an essential component of the Neglect Improvement Programme. We want to ensure that there is a more co-ordinated and strategic approach to the effective dissemination into practice of relevant research findings and evidence. Therefore the CCWP are providing academic expertise, critical feedback and support to volunteer local authority areas identified in Phase 1 of the Neglect Improvement Programme test sites.

The CCWP has provided the Scottish Government with three reports on Child Neglect in Scotland: a rapid review of legislation and policy, a rapid review of the literature; and a follow-up survey to that conducted in 2012 by Professor Daniel and others. A key recommendation of this element of the Child Protection Improvement Programme is that these research findings inform the broader neglect improvement programme. A number of key findings have been identified in the reports but some early areas for further exploration are as follows:

- While GIRFEC continues to be embedded, how can further consolidation toward a fully integrated system be developed?;
- How to ensure that people get the right service at the right time, and that those services make a difference?;
- How effective are local information collection systems in helping services plan how to meet local need in relation to neglected children, and how can this be improved?;
- How can services develop and deliver services tailored to older children and young people, which is an identified gap in service provision?;
- How can professional interventions around neglect better develop individual responses that are tailored to the needs of a particular family, and are sustained, multi-dimensional and flexible?;

- How can services develop responses that recognise that children’s lives must be understood within a broader context, including the impact of a range of additional factors outwith the family such as welfare and benefit changes; social order and social capital available within our communities; and the wider structural issues, such as poverty, mental health issues and unemployment, within our society?
- Broader known barriers to providing services including: structural issues; organisational issues; resourcing; and cultural issues.

The findings of these reports inform the broader neglect improvement programme.

3. A review of legislation relating to neglect and abuse

3.1 Section 12 of the Children and Young Persons (Scotland) Act 1937

Child neglect is principally prosecuted in Scotland under section 12 of the Children and Young Persons (Scotland) Act 1937. The Scottish Government considers that the existing legislation frames abuse and harm too narrowly, by focusing predominantly on its physical effects. Since the offence was drafted, our understanding of the harm caused by childhood neglect has developed significantly. Of all forms of maltreatment, neglect leads to some of the most profound negative and long-term effects on: brain and other physical development; behaviour; educational achievement and emotional wellbeing. We now understand the long term effects of the experience of emotional and non-physical neglect, along with how the damage wrought by this experience can be just as devastating for the victim as other, physical forms, of abuse or harm. The s12 offence in the 1937 Act is framed in an antiquated way and could be revised to better reflect a modern understanding of abuse and neglect.

In addition, we have consulted with the Crown Office and Procurator Fiscal Service (COPFS), who have said that they experience difficulties in prosecuting the offence, owing to its narrow scope. This concern has also been raised by Police Scotland.

A proposal paper was presented to the External Advisory Group of the Child Protection Improvement Programme on possible changes to s.12. While there was broad support for an amendment, largely for the reasons above, it is also clear that there are additional factors that need to be considered before any legislative amendment is introduced. These include considering the appropriateness of legislative change when working with vulnerable families, synchronicities with the broader legislative context, and the complexities of the proposed amendments.

It is also obviously important to seek the views of both professionals and the public beyond the External Advisory Group on this matter. Therefore, we plan to hold a formal public consultation in 2017.

3.2 Criminal Offence of Domestic Abuse Bill

In looking at s12, we liaised closely with colleagues working on the Domestic Abuse Bill. We know that children suffering neglect often live in abusive households.

The Scottish Government has recently concluded a public consultation on a new offence of domestic abuse. This proposed offence criminalises certain conduct between partners and/or ex-partners who are or have been in a relationship. It is not proposed that the offence would apply in respect of abuse directed towards other family members, including children. Where such abuse occurs, it may be possible to prosecute using existing legislation.

Representations were received from key partners about the emotional harm experienced by children exposed to domestic abuse in the home. Following those representations, the Scottish Government is considering what provision can be made within the Bill to recognise the harm caused to children by growing up in an environment where domestic abuse is occurring. The Bill is due to be introduced into Parliament in this Parliamentary year.

The consultation on amendments to the child neglect offence (s.12 of the 1937 Act) also provides an opportunity for considering if this would be a suitable legislative vehicle for affording children greater protection from emotional harm, including that as a consequence of domestic abuse.

5.3 Child Sexual Exploitation

Key Messages

- Preventing and tackling Child Sexual Exploitation (CSE) requires a coordinated multi-agency response. Parents and carers need information about how to talk to their children about CSE and how to recognise the signs that their child may be at risk. Practitioners must be equipped with the knowledge and skills to recognise sexual exploitation and respond appropriately.
- It can be extremely difficult to gather information about the prevalence of children and young people who have been exploited. CSE is often a hidden form of abuse and victims may not recognise that they have been exploited until they reach adulthood, or may simply be reluctant to disclose it if they do, for many complex reasons.
- Police Scotland and other stakeholders confirm that this form of abuse is happening nationally, and we know victims are accessing services. The scale and prevalence of CSE is under reported. This is in part due to the complex nature of this form of abuse, but also to a lack of consistent data collected across the country and we know from the CPIP Data and Evidence work stream that there are data gaps for CSE.
- Prevention must be accompanied by work to detect, disrupt and prosecute perpetrators and reduce re-offending.
- There have been a number of initiatives looking at the scale and issue of CSE. Police Scotland for example have undertaken their own campaign this year, with a focus on perpetrators, and their operation tackling online child sexual abuse, *Operation Latisse*, resulted in the recovery of a large number of images of abuse.
- Awareness and understanding has also been examined in a local context with the Care Inspectorate reporting on emerging themes in relation to CSE, from inspections in the last 12-18 months – key to informing future service planning and delivery.
- The National Group to Prevent and Tackle Child Sexual Exploitation oversees delivery of the action plan.

Actions

- 1. An annual cycle of reporting to Ministers on the progress of the National Action Plan to Prevent and Tackle Child Sexual Exploitation will be established, starting with the first report due in March 2017.**
- 2. The newly developed indicators will be applied to measure the progress of the National Action Plan to Prevent and Tackle Child Sexual Exploitation.**

- 3. The CSE data collection template will be tested and fully rolled out, to assist with understanding the scale in Scotland.**
- 4. We will continue to work with the National Group to Prevent and Tackle Child Sexual Exploitation to implement the National Action Plan.**

Further Details

The Scottish Government's *National Action Plan to Tackle Child Sexual Exploitation* was published in 2014 and updated in March 2016, with time bound actions scoped over three years. Outcomes were agreed and a driver diagram was developed for the 2016 Update [see Annex B]. Action to prevent and tackle Child Sexual Exploitation (CSE) is set within the wider Scottish Government's Child Protection Improvement Programme and within the framework of both GIRFEC and the United Nations Convention on the Rights of the Child. The national action plan is structured around four intermediate outcomes.

Progress against the National Action Plan to Prevent and Tackle CSE

1. The risk that children and young people are sexually exploited is reduced through a focus on prevention and early identification

Key pieces of work progressed in 2016 include refreshing the definition of CSE providing a quality definition and practitioner paper. The creation of indicators for CSE data and evidence gathering has provided us with a baseline against which we can measure progress. Education Scotland has reviewed how it supports schools, colleges and education services in undertaking their safeguarding responsibilities. Barnardo's Scotland has been supported through the Children, Young People & Families Early Intervention and Adult Learning & Empowering Communities Fund, specifically to help tackle the issue of CSE.

Progress against this outcome is good and there are several on-going activities, including: the creation of a data template to ensure consistent local information on CSE is gathered; guidance for medical practitioners; a framework for Child Protection Committees; and CSE regional workshops, to share best practice, learning and developments.

2. Children and young people at risk of or experiencing sexual exploitation and their families receive appropriate and high quality support

The Scottish Government supports victims of CSE and those identified as vulnerable via Barnardo's Scotland, NSPCC and the Moira Anderson Foundation, through the

Children, Young People & Families Early Intervention and Adult Learning & Empowering Communities Fund.

The Care Inspectorate has reported on emerging themes in relation to CSE from inspections in the last 12-18 months and this crucial information is helping to inform future service planning and delivery. We are working with local authorities, Police Scotland and the National Steering Group on Missing People, as we know about the links between missing children and young people, CSE and trafficking.

Current developments include the NHS Education Scotland, Scottish Government and stakeholder development of a skills and knowledge framework for those working with adults and children and young people affected by trauma and abuse. The framework is to help practitioners identify the risk of abuse and respond to keep children and young people safe. Research shows us that disabled children and young people are more likely to be abused than their non-disabled peers and that abuse is more likely to go undetected or unreported - the CSE National Group are considering what further action can provide better protection for this particular group of children and young people. The Scottish Government is also consulting on Scotland's first Human Trafficking and Exploitation Strategy which will be published in June 2017.

3. Perpetrators are stopped, brought to justice and are less likely to re-offend

Under Scotland's Multi Agency Public Protection Arrangements (MAPPA), Police, Local Authorities and other agencies work together to fully risk assess and monitor registered sex offenders to reduce the risk they pose. The Joint Thematic Review of MAPPA in Scotland (published 26th Nov 2015) provided assurance that MAPPA is effective and makes a critical contribution to keeping people and communities safe.

We are currently working across government and with key stakeholders to update our internet safety action plan, ensuring it is linked to our Digital Participation Strategy, and also taking steps to ensure the refreshed plan is linked to work being taken forward in schools. Further information on this work can be found in section 4.5 - Internet Safety.

As a result of the increasing number of internet related sex offenders becoming subject to MAPPA, the Thematic Review also noted that "early intervention and diversionary approaches aimed at addressing the risk posed by such offenders should be further scoped by Responsible Authorities in partnership with the Scottish Government." Accordingly, the Scottish Government is exploring with third sector partners the potential development of a pilot programme for internet offenders, which is set to challenge harmful online images and CSE. Consideration is also being given

to the potential for a family support service to sit alongside any pilot programme to support offenders, their partner and children.

We are also ensuring that certain sexual offences committed in the rest of the UK can be prosecuted in Scotland, by working towards commencing Section 8 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. The Abusive Behaviour and Sexual Harm (Scotland) Act 2016 will also strengthen and streamline our system of civil orders available to protect communities from those who may commit sex offences.

Current actions being progressed by many different agencies, including the Scottish Government and the National CSE Group include those with a focus on developing child-centred approaches - the Scottish Courts and Tribunals Service for example are exploring how evidence is taken from children and vulnerable witnesses. We will also use the findings of the evaluation of the National Child Abuse Investigation Unit to inform future developments.

4. Cultural and social barriers to preventing and tackling child sexual exploitation are reduced

Awareness is key to tackling cultural and social barriers and general awareness around the complexities and pervasiveness of CSE was addressed this year with a successful Scottish Government integrated marketing campaign, aimed at parents and the general public.

Action set out in the Scottish Government's Equally Safe Strategy aims to prevent and eradicate the full spectrum of violence against women and girls, including domestic abuse, rape, incest and child sexual abuse. The Strategy adopts a gendered approach but recognises that boys are also victims of sexual exploitation and other forms of sexual abuse, too.

Progression of actions across all four outcomes in the National Action Plan has been good and our future actions will test assumptions and help to demonstrate improvement. The CSE National Group remains pivotal to the progression of developments and we are working closely with them as they assist us with implementation of the National Action Plan.

5.4 Child Trafficking

Key Messages

- According to National Referral Mechanism statistics, 145 victims of trafficking were recovered in Scotland in 2015, of which 42 were children under the age of 18. The most common country of origin for children was Vietnam (17) followed by China (6). The overall number of 145 is an increase of 30.6% on the 2014 total and represents 4.4% of the overall UK figure reported to the National Referral Mechanism in 2015.
- As highlighted by Scotland’s Commissioner for Children and Young People in the 2011 report “Scotland: A safe place for child traffickers?”, there is very limited research regarding the extent and nature of child trafficking in Scotland and community awareness of trafficking is low. As a result, a significant number of cases are likely to be unidentified, including those involving children already living in Scotland and being trafficked for the purposes of exploitation.
- In November 2015, the Human Trafficking and Exploitation (Scotland) Act 2015 (“the 2015 Act”) introduced for the first time a single offence covering the trafficking of both adults and children for all forms of exploitation, ensuring that criminal legislation can be used more effectively to keep adults and children safe.
- As a direct result of the 2015 Act, a draft Human Trafficking and Exploitation Strategy has been produced. Having already been subject to public consultation and due to be published by the end of May 2017, the Strategy sets out the approach that the Scottish Government and its partners in the public, private and third sectors, working with others in the UK and internationally, will take to address human trafficking and exploitation.

Actions

- 1. A working group has been formed to take forward the revision of existing age assessment guidance to reflect the presumption of age in Section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015.**
- 2. Following the outcome of the UK National Referral mechanism pilots in summer 2017, there will be an undertaking to receive feedback from key stakeholders regarding the continued use of the National Referral Mechanism for children and young people in Scotland.**
- 3. Research regarding routes into child trafficking in Scotland will be commissioned.**
- 4. The statutory independent child trafficking guardianship role will be implemented.**

Further Details

Strategy

We have worked with a range of partners to develop the children's actions in the [Human Trafficking and Exploitation Strategy](#). The Strategy was published for public consultation on 12th October 2016 and sets out how we can get better at identifying and supporting victims; at identifying perpetrators and disrupting their activity; and in raising awareness about the issues and making Scotland a hostile place for trafficking and exploitation. In addition to an online consultation, specific consultation sessions for key stakeholders and members of the public took place across Scotland which gave further opportunity for children's issues to be considered. The final version of the Strategy is due to be published by the end of May 2017

The whole of the Strategy is relevant to children but it also contains a specific section focusing solely on the actions for children. A Children's Rights and Wellbeing Impact Assessment (CRWIA) of the Strategy has been undertaken and is being consulted on. The CRWIA is due to be published alongside the final version of the Strategy. A public awareness raising campaign will be developed which will support the embedding of the Strategy.

The Strategy makes it clear that the trafficking and exploitation of a child is child abuse and, because of this, child trafficking victims should be given the same support and care as any other abused child. In Scotland, this means applying child protection guidance and providing support across all the dimensions of the child's life in line with the national Getting It Right for Every Child (GIRFEC) approach to improving outcomes for children and young people. The [National Guidance for Child Protection in Scotland](#) states that it is essential to take timely and decisive action where a child or young person is, or is suspected to be, a victim of human trafficking. Our child protection approach is consistent with recent [research](#) undertaken by ECPAT which found that *Children who may have been trafficked are best identified and protected within an integrated child protection system.*

The Scottish Government previously published in 2013 [Inter-agency Guidance for Child Trafficking](#), which provides information and guidance to all members of the children's workforce. However, to better support local communities in identifying trafficked children and those at risk of being trafficked, and to keep them safe, the draft Strategy makes it clear that local Child Protection Committees should ensure that there are specific and appropriate arrangements on child trafficking and exploitation in place. This should be achieved through guidance, protocols or procedures, which are known and implemented by relevant services.

Age Assessment Guidance

The 2015 Act requires relevant authorities to presume that a victim of human trafficking is a child in circumstances where the age of a victim is uncertain, but there are reasonable grounds to believe that the victim is a child (under 18 years of age). In these circumstances, the victim is presumed to be a child for the purpose of receiving immediate age appropriate support and services until their age is formally established. A working group has been created to develop age assessment guidance to better reflect this principle and support decision making.

The Lord Advocate's Instructions for prosecutors under section 8 of the 2015 Act

The Lord Advocate's Instructions for prosecutors under section 8 of the 2015 Act, stipulates a strong presumption against prosecution of a child for an offence if there is credible and reliable evidence that the child is a victim of human trafficking or exploitation and the offending took place in the course of, or as a consequence of being, the victim of human trafficking or exploitation. This is an important step in both protecting victims and encouraging them to come forward.

Section 38 – Duty to Notify

Section 38 of the 2015 Act introduces a statutory duty for certain public bodies to notify the Chief Constable where they believe that a child or adult is a victim of trafficking. The public bodies which are to be subject to the duty will be specified in regulations made under Section 38. A consultation took place with key stakeholders on 1st November 2016 to identify which public bodies should have this duty and develop reporting mechanisms.

National Referral Mechanism

Where it is suspected that a child has been trafficked, a referral should be made through the National Referral Mechanism (NRM) to seek a determination as to whether there is reasonable grounds to support this. There has been some concern that the National Referral Mechanism doesn't meet the needs of children as well as it could. Following the outcome of the UK National Referral Mechanism pilots in summer 2017, there will be an undertaking to receive feedback from key stakeholders regarding the continued use of the National Referral Mechanism for children and young people in Scotland.

Scottish Guardianship Service

For children who have been trafficked and for whom no one in the UK holds parental responsibilities, support is provided by the Scottish Guardianship Service. This is funded by the Scottish Government and managed and delivered by the Scottish Refugee Council and Aberlour Child Care Trust. The Scottish Guardianship Service works to help young unaccompanied asylum seekers to feel supported and empowered throughout their journey whilst their claim is assessed and their status determined. It helps them to access the assistance they need, when they need it and make informed decisions about their future. On referral, the young person is appointed a 'guardian', who will provide a point of contact and continuity throughout their progress through the asylum and immigration system.

The guardian is there to make the young person aware of their rights, explain aspects of the asylum, trafficking and welfare system to them, and to introduce them to social opportunities to begin to integrate them into community life. The October 2016 Anti-Trafficking Monitoring Group report [Class Acts](#) noted that Scotland has an advantage over the rest of the UK in that it already has *a well-regarded and well-tested model of guardianship*.

Section 11 of the 2015 Act introduces the role of a statutory Independent Child Trafficking Guardian who should be appointed to assist, support and represent a child, where there are reasonable grounds to believe that a child is, or may be, a victim of human trafficking or is vulnerable to becoming a victim of human trafficking; and no person in the UK has parental rights or responsibilities in relation to the child. An informal consultation with stakeholders took place over Summer 2016 on two of the three regulation making powers within this part of the Act: to make further provision to amend the list of those with PRR; and to add to the list of relevant authorities to be made under Part 11 of the Act. These are now being analysed. A consultation with stakeholders on the role and responsibilities of the Independent Child Trafficking Guardians will take place prior to the implementation of this new statutory role.

The existing pilot guardianship service will continue to be funded at this time to ensure there is no gap in service provision whilst the statutory service is established. The financial memorandum attached to the Act has allowed for the widening of the service scope and has increased the annual funding to £300,000 per annum.

A recent [ECPAT report](#) has highlighted concerns about trafficked children going missing from care. Whilst the figures for Scotland aren't as high as those in the rest of the UK (2 of the 48 trafficked children and 3 of the 150 unaccompanied children who were recorded missing during the period September 2014 – September 2015 were from Scotland), the Scottish Government has clarified for COSLA and Scottish

Local Authorities that all unaccompanied asylum seeking children who arrive, either spontaneously or through Government agreed schemes, should be provided with accommodation under Section 25 of the Children (Scotland) Act 1995 and so become looked after children in terms of the Act. This is to address a risk that the provision of supported accommodation under Section 22 of the 1995 Act to a potential child victim of trafficking or exploitation could leave them vulnerable to being re-trafficked.

Extent of Child Trafficking

At this time there is very limited research regarding the extent and nature of child trafficking in Scotland. The Scottish Government will commission a piece of research that will work with frontline workers and services (for example, the police, social workers) to identify the presence of trafficked young people and to establish their routes to arrival, particularly if these routes are outside the arrival routes that we know about, for example family reunion or children brought to the UK by non-parental kin.

5.5 Child Internet Safety

Key Messages

- We want children and young people to be protected, safe and supported in the online world and for them to be able to enjoy the internet, show resilience and take advantage of the opportunities it has to offer.
- As part of Police Scotland's Operation LATTISE, the first national operation of focused activity to tackle the many forms of online child sexual abuse, 523 children were identified as victims or potential victims of online child sexual abuse or other related abuse. Online child sexual abuse is a national threat – the reality is that it is happening now to children of all ages.
- Therefore, as part of *The Scottish Government's Programme for Scotland*, we committed to publish a refreshed child internet safety action plan by March 2017 to ensure appropriate training, support and information is in place

Actions

- 1. We will publish an action plan on child internet safety by March 2017**
- 2. We will work with the UK Safer Internet Centre to deliver online safety briefing sessions across Scotland**
- 3. We will continue to participate in the Executive Board of the UK Council for Child Internet Safety (UKCCIS) and explore with social media providers and industry how we can improve child internet safety in Scotland**

Further Details

Developing our Child Internet Safety Action Plan

We have been working across government and with stakeholders, including Police Scotland and a number of third sector organisations, to update our child internet safety action plan, ensuring it is linked to our Digital Participation strategy. We are also taking steps to ensure the refreshed action plan is linked to work being taken forward in schools.

We have held three stakeholder workshops where we worked to identify what we wanted a refreshed action plan to achieve and to analyse the work that is already taking place in Scotland in relation to child internet safety. During these workshops we agreed the shared outcomes which will help inform our actions (see Annex C). The outcomes relate to children and young people's understanding of opportunities

and risk, parents' ability to support their child's online activity as well as the role of wider society. Importantly, they also recognise the importance of supporting children and young people who are at risk of or have suffered online abuse and the need to stop it from happening in the first place.

We have sought the views of children and young people when developing the child internet safety action plan, working with both YouthLink Scotland and Young Scot. We have provided briefing, including a number of questions for children and young people, about internet safety for YouthLink Scotland's youth workers so that they can hold sessions and provide feedback. We also worked with Young Scot to hold a workshop in February 2017 with the 5 Rights Youth Commissioners on Digital Rights inviting their views on internet safety for children and young people, including the risks and benefits of being online as well as what additional support would be helpful. The Youth Commission was set up to make recommendations to the Scottish Government on how Scotland can become a nation that recognises young people's rights online as well as off. The Youth Commission is led by 18 young people, aged between 14 and 21.

Preventing online abuse

We recognise the importance of early identification and intervention to prevent online abuse from occurring in the first place. In 2017/18 we will be funding Stop it Now! through the Children, Young People and Families, Early Intervention Fund (CYPFEIF) to develop a prevention toolkit to help identify risk and prevent abuse before it occurs. We will also be providing funding for Sacro for their Challenging Harmful Online Images & Child Exploitation (CHOICE) programme. It is a programme suitable for those downloading illegal images of children from the internet where there is a low risk of sexual harm and the offences are 'non-contact' in nature. The programme aims to reduce the likelihood of an escalation to more serious offending and to reduce the likelihood of reoffending.

Raising awareness

We have been working with the South West Grid for Learning (SWGfL), who form part of the UK Safer Internet Centre, for the past few years in delivering free, local briefing sessions across Scotland for professionals working with children and young people about being safe online. In partnership with the Scottish Government, SWGfL will be returning to Scotland to deliver more sessions in March 2017. We also continue to work closely with the UK Safer Internet Centre to support Safer Internet Day to promote internet safety across Scotland.

Engaging with partners and industry

The Scottish Government is represented on the Executive Board of the UK Council for Child Internet Safety (UKCCIS). UKCCIS is chaired by UK Ministers and consists of representation from a number of organisations from the public, private and voluntary sectors including social media and internet service providers. We are engaging with the UK Government to explore how we can better utilise these links within UKCCIS to improve Scotland's relationship with industry and so identify areas where improvements can be made.

We have successfully made links with Twitter and Facebook to discuss internet safety and are working to establish similar links with other social media providers. Exploring how we can better engage with industry will be an important step towards improving the role for wider society in child internet safety.

Finally, we continue to engage with the UK Government as it develops its Digital Economy Bill which includes provisions requiring commercial providers of online pornography to have appropriate age verification checks in place. This is to ensure children and young people are protected from inappropriate material. This requirement applies to sites based in the UK as well as those based overseas and is an important step in ensuring industry sees the protection of children as one of its core responsibilities.

5.6 Children's Hearings

Key Messages

- As Scotland's unique and integrated approach to childcare and justice, the children's hearings system has a pivotal contribution to make to child protection - where compulsory legal measures of supervision may be needed to keep children safe.
- The multi-agency Children's Hearings Improvement Partnership (CHIP) was asked to scrutinise the impact of recent legislative and practice changes to the Children's Hearings System and to identify action to strengthen consistency and effectiveness.

CHIP specifically considered:

- The impact of increased legal representation at hearings
- How the system works for very young children
- How the system works for our 16 and 17 year olds

In addition, the Systems Review Group has made a specific recommendation for the CHIP around 16 and 17 year olds (*Recommendation 4: The Scottish Government should review both the measures available to protect 16 and 17 year olds and whether the Children's Hearings (Scotland) Act 2011 should be amended to allow any young person aged 16 and 17 years old to be referred to the Principal Reporter where there is a need for compulsory measures*).

Actions

1. **The CHIP will oversee delivery of the work plan to implement the recommendations from the study on "The Role of the Solicitor in the Children's Hearing System".**
2. **The CHIP will consider whether the speed and quality of the process can be improved – especially for the youngest children - with an emphasis on timely processing of cases where grounds are sent for proof.**
3. **The CHIP will consider how to take forward relevant recommendations from the Child Protection Systems Review with a view to building a clear collective understanding of when child protection concerns can give rise to consideration of compulsory care measures.**
4. **The CHIP will continue influencing work regarding the treatment of 16 and 17 year old children within the care and justice system, to introduce practice and behavioural improvements, and will consider whether further legislative change is necessary.**

Further Detail

The Scottish Legal Aid Board (SLAB) commissioned a study from the Centre of Excellence for Looked After Children in Scotland (CELCIS) on “The Role of the Solicitor in the Children’s Hearing System”, published in Autumn 2016. CHIP will oversee the work plan to implement the recommendations of the study.

CHIP have considered safeguarders and advocacy development for young children (and others) and will assess whether the system experiences and processes could be improved for these children. This will build on evaluation work expected to conclude in 2017, and will relate to the circumstances in which children’s cases must be sent to the sheriff for proof.

The current system allows 16 and 17 year olds to be supported via the Children’s Hearings System, but we still see too many of these young people (where there are offence concerns) being dealt with through the Court system. The experiences and outcomes for these young people would be better if they were treated as children first and foremost, whether the presenting issues are care and protection or offending, and they received the required support and services via a child-centred system. The CHIP are working with partners, including the Youth Justice Improvement Board, to build a wider understanding that 16 and 17 year olds remain children first, especially where they remain vulnerable but are not subject either to an open referral to the Reporter or to a compulsory supervision order. If necessary, there is an option to consider statutory change through the Family Justice Modernisation work stream.

We know that the CHIP’s collaborative and interdisciplinary approach to system improvement can deliver for children and for system partners. A review of the implementation of the Children’s Hearings (Scotland) Act 2011 was submitted to CHIP, showing that 22 of the 23 pre-identified measures for success were moving in the right direction for children, young people and system partners. The recent survey and research evidence also points to better partnership working and increased understanding of the individual roles within this system.

The CHIP will next need to consider national consistency and transparency around all *practice* and *decision making*, with a renewed focus on making things better for children and on keeping them safe. Starting with the specific requests made at the outset of this Programme, CHIP have identified 15 priority areas for improvement. They include:

- Support for the independent evaluation of added value and effectiveness of safeguarders. The fieldwork is underway for this study with results expected in Spring 2017.
- Decision making for 16 and 17 year olds within the wider system.
- Overseeing the work plan to implement recommendations from “The Role of the Solicitor in the Children’s Hearing System”.
- Developing advocacy services for children and young people to improve rights and participation for children, especially younger children and those who have been excused from attendance at hearings.

5.7 Inspections

Key Messages

- The inspection and scrutiny of children’s services is an essential and valuable part of a robust, learning and improving child protection system. Inspections’ play an essential role in helping to drive improvements in outcomes for Scotland’s children and young people.
- We need a joint inspections framework that supports the principles of: prevention, early intervention and partnership working; recognises that child protection is a collective responsibility; is transparent and learning, using evidence to effect practice improvement; enables practitioners to make the right decisions at the right time to protect children through on-going risk management, and supports our workforce.

Actions

- 1. The Care Inspectorate will chair a short life working group to develop a revised framework of inspections that focuses on the experiences and outcomes of the most vulnerable children.**
- 2. In developing the revised framework, the group will consider all recommendations relevant to inspections from other work streams of the Child Protection Improvement Programme, in particular (but not confined to) the Child Protection Systems Review, Data & Evidence and Leadership.**
- 3. This group will consider how scrutiny and improvement work can best be provided for services for all children and families, including collaborating with other partners to develop and improve the use of self-evaluation tools.**
- 4. This group will provide a report to Ministers by 31 May 2017, recommending the way forward for a revised inspection framework.**
- 5. This framework is to be in place by the time the current framework concludes in December 2017.**

Further Details

The Public Services Reform (Scotland) Act 2010 (the 2010 Act) provides the legislative framework for the inspection regime. The 2010 Act provides Ministers with discretion to determine the shape of any joint inspection framework in relation to children’s services, including the services to be inspected. Section 115(8) of the 2010 Act also provides for a Code of Practice to be issued by Scottish Ministers to provide general guidance on matters relating to joint inspection of services for children.

In practice, in 2011 Scottish Ministers commissioned the Care Inspectorate to develop a joint inspection model for inspecting services for children and young people which includes the Care Inspectorate (CI) in conjunction with scrutiny partners from Education Scotland, Her Majesty's Inspectorate of Constabulary (Scotland) and Health Improvement Scotland). These joint inspections, using a framework of quality indicators, look at the difference services are making to the lives of children, young people and families. They take account of the full range of work with children, young people and families within a community planning partnership area.

The fundamental rationale is to provide assurance regarding the effectiveness of those services and to support continuous improvement. Specifically, the framework aims to:

- improve outcomes for all children and young people;
- provide independent assurance about the effectiveness of services for children, particularly the most vulnerable children and young people; and
- build capacity for improvement

The focus on improving outcomes for all children and young people stemmed from the view, when the current framework was being developed, that the inspection programme should include comment on all children in the community, given that all children can be deemed vulnerable. However, evidence suggests that this focus on services for all children may have had a number of unintended consequences.

The profile of child protection

The Brock Report commented that the profile of child protection had reduced at the local level over the last few years. The Triennial Review, and recent Care Inspectorate reports comment on a lack of clarity about roles, responsibilities and governance arrangements across child protection in a number of local areas. The 'Report on the effectiveness of child protection arrangements across Scotland' published in November 2014 by the Care Inspectorate, raised concerns about what they noted was a regularly observed "lack of clear direction and oversight of the work of the child protection committee by chief officers. While this was not necessarily related to poor practices in key processes to protect children and young people or poor outcomes, there was an absence of a robust approach to joint self-evaluation, and an inability to provide evidence of on-going improvement. This gives us cause for concern because in some cases chief officers and child protection committees

have not been able to assure themselves of the quality of services to protect children and young people, conserve what is working well, or further improve practices.⁴

Consultation with key partners suggests that the current inclusion of all services within an inspection has contributed to a view that child protection is less of a priority, and that a refocused inspections framework on services for the most vulnerable children, would help to reframe child protection as a strategic priority.

In light of recent high profile cases, both in Scotland and the rest of the UK, as well as both administrations' historical inquiries in to child abuse, there is a very high level of public interest in child protection. An inspection framework focussed on the most vulnerable children would indicate an acknowledgement of the critical need to prioritise services for these children.

The breadth of inspection

Scrutiny partners undertake broad inspections across all services for children, young people and their families within the given Community Planning Partnership area. The Care Inspectorate and partners carry out a minimum of six joint inspections per year, and each Joint Inspection takes place over about a 35 week period from notification to publication of the inspection report. As such, each inspection involves a significant amount of time and resource from all scrutiny partners. The breadth of the inspection presents a risk to the capacity of the Care Inspectorate and partners to both, 'dig deep' into the issues affecting particular areas, and to undertake subsequent improvement work in as meaningful a way as they would like.

This is not to suggest that current Joint Inspections do not identify or address issues critical to ensuring the safety of Scotland's children and young people. The inspection methodology, used within the current Joint Inspection framework, has strength and delivers robust conclusions. The Care Inspectorate take account of the principles of risk and proportionality. They do this by using all relevant information available to target inspection resources to the geographic and practice areas most likely to benefit from independent scrutiny. A multi-disciplinary team holds partners jointly accountable and includes examination of practice through case file reading; case tracking; interviews with staff at all levels; and information taken from young people and carers themselves. This is inevitably a resource-intensive methodology but it is required to provide sound assurance and to support improvement

⁴ Page 9 of the Care Inspectorate Report
[http://www.careinspectorate.com/images/documents/1419/Child%20protection%20report%20protection%20arrangements%20across%20Scotland%20\(Nov%202014\).pdf](http://www.careinspectorate.com/images/documents/1419/Child%20protection%20report%20protection%20arrangements%20across%20Scotland%20(Nov%202014).pdf)

However, there is anecdotal evidence, from both the scrutiny partners and professionals themselves, that a deeper, more focussed inspection would contribute to improvement locally in a more meaningful and impactful way than a broader inspection that provides assurance, but is less able to support and sustain improvement. For example, some joint inspection reports demonstrate that improvements have not been made between inspections. No national mechanism exists for providing support for change and improvement to local areas who receive a 'weak' grading for their provision of child protection services from the Care Inspectorate. Link inspectors are provided to support improvement following inspection but their efficacy is commensurate with their ability to spend time with localities. If they are needed to conduct the initial inspection within a programme of cyclical inspection in a new area then their time for supporting improvement in previously inspected areas, is limited.

Definition of 'most vulnerable'

The new framework will focus on the most vulnerable children. The definition of 'most vulnerable children' for this purpose will be determined by the short life working group, but would be expected to include those children and young people who are; looked after at home, in residential and secure care, in kinship care and using throughcare and aftercare services. In addition, it is also expected that children who are known to services but not in receipt of formal measures (for example, children recently de-registered from the Child Protection Register) would be included.

Services for all children and families in a Community Planning Partnership area

Joint Inspections currently provide scrutiny of, and improvement support for, universal services for children and families across the Community Planning Partnership areas. The short life working group will therefore consider the broader regulatory, legislative and operational contexts within which universal services are delivered. This will identify where opportunities for scrutiny and improvement work already exist, and how any gaps found can be filled.

Self-evaluation

An effective formal inspection can only be one part of a robust system of scrutiny and improvement. Robust self-evaluation enables public sector bodies, working within Community Planning Partnerships and strategic planning groups for children and young people's services, to know how well they are doing and identify the best way to improve. The principle of self-evaluation is in line with Scottish Government programmes such as Realigning Children's Services and Permanence and Care

Excellence (PACE) programmes, which reinforce local accountability and responsibility for - improvements?.

The CI's framework includes self-evaluation criteria. These are for use locally, and the same criteria are also used for the formal inspections themselves. The Care Inspectorate report that in over half of the 32 local authority areas, there is evidence of a high level of commitment to quality improvement through joint multi-agency self-evaluation led by child protection committees.

However, reports demonstrate that there are varying degrees of success exhibited even in areas with genuine commitment to the principles of self-evaluation. For those areas with a marked lack of self-evaluation, it is not clear how they can provide assurance – either locally or nationally - that they are driving improvement and implementing policy effectively. Public sector bodies with responsibility for child protection must play a full part in delivering improved outcomes for children and their families. This emerges as a critical issue in CI reports that identified certain quality indicators (especially 'Leadership of improvement and change' and 'Planning and improving services') as weak or less, which speaks directly to issues of leadership and accountability. Enabling and supporting a culture of open and thorough self-evaluation is indicative of effective leadership.

The short life working group will consider how best to further develop self-evaluation toolkits – in partnership with other key stakeholders – that could run complementarily to the revised inspection framework. They will consider how such toolkits can be applicable to the full range of services which contribute to the wellbeing of all children, young people and their families and provide support to the successful implementation of Getting it right for every child. They will also consider how self-evaluation can be supported and embedded and whether the inspection regime should provide independent oversight of local self-evaluation.

5.8 Leadership & Workforce Development

Key Messages

- The critical importance of leadership in child protection was highlighted in the Care Inspectorate Triennial Report and the Brock Report. In its report “Joint inspections of services for children and young people: A report on the findings of inspections 2014-16”, the Care Inspectorate found a mixed picture of leadership across Scotland, with inspection grades for this category ranging from weak to excellent.
- This evidence was reinforced by the considerations of the Child Protection Systems Review Group which identified leadership as a critical factor in creating a system with effective processes and culture to ensure children are protected from abuse and neglect.
- The multi-agency nature of the child protection system means that the leadership and governance landscape is complex, with officers and elected members in different organisations and structures all having a leadership role to play – individually and collectively.
- The Systems Review Group identified the need for a National Child Protection Leadership Group to further support, strengthen and improve, from a national perspective, activity on child protection across Scotland. The Systems Review Group recommended that the National Leadership Group should support Chief Officers in delivering their responsibilities.
- A key role of this National Leadership Group will be to strengthen consistency and reduce the duplication of effort across different local areas. The group will include representation from a range of stakeholders including the Scottish Government and the scrutiny bodies. The Minister for Childcare and Early Years will chair the group as part of the Scottish Government’s commitment to leadership in this area.
- The National Leadership Group will also support the implementation of the recommendations in both the Systems Review and CPIP reports.
- The workforce involved in child protection includes those working in a wide range of roles, with social workers and the police in particular having specific legal responsibilities in relation to investigating child protection concerns. Development of people in all parts of the workforce to support them in delivering their roles is therefore very important. The National Guidance for Child Protection in Scotland 2014 specifically identifies the importance of high quality support and supervision for practitioners working in child protection from all agencies. We will explore this further in the next stage of the programme.

Actions

- 1. We will build on the 2016 Leadership Summit and Child Protection Frontline Practitioner events held in the first phase of CPIP and work collaboratively across the existing leadership and workforce development landscape to take forward actions from across the CPIP work streams.**
- 2. We will establish a National Child Protection Leadership Group as recommended by the Child Protection Systems Review Group.**
- 3. We will work with the Leadership Group, once established, to develop a number of regional leadership events for all Chief Officers' Groups and Chairpersons of Child Protection Committees to network, share good practice and collectively horizon scan for new risks facing children and young people.**
- 4. We will work with the bodies who can support practitioner engagement and workforce development to identify and build on shared opportunities for strengthening child protection practice.**

Further details

We began our work on leadership and workforce development by holding a Leadership Summit for senior leaders and an event for frontline practitioners earlier in 2016 to inform the development of CPIP. We have followed these events by mapping the leadership and governance landscape for child protection and early engagement with leadership organisations such as the Scottish Leaders Forum⁵. We will build on this work to enable us to take forward actions identified across the CPIP work streams.

Annex D provides an overview of the current landscape of governance and leadership relevant to child protection across Scotland.

Leadership Summit

We held a National Leadership Summit on Child Protection on 3 June 2016 to reaffirm our collective aspiration and commitment. We worked with the Society of Local Authority Chief Executive's (SOLACE), CPC Scotland and COSLA, to plan the Summit, which was well attended by senior leaders from local authorities, health bodies, the Third Sector and the justice sector, demonstrating the shared commitment to child protection.

The Scottish Leaders Forum (SLF) is a network of leaders at the heart of public services in Scotland. They meet to discuss and collaborate on the important policy issues facing Scotland. The SLF collaborates, shares, and improves on co-produced outcomes across all public services for the people of Scotland.

We will use what we have learnt from the summit to take forward actions emerging from the CPIP work streams, and particularly from the Child Protection Systems Review which identified leadership as one of its key themes. The Systems Review Group set out a number of relevant recommendations, including setting up a National Leadership Group for Child Protection and developing regional events for Chief Officers and Child Protection Committee Chairs to network, share good practice and collectively horizon scan for new risks facing children and young people. We will take these forward as actions in the next phase of CPIP.

Practitioner Engagement and Workforce Development

The workforce involved in child protection includes those working in a number of roles across a range of sectors and organisations, with local authorities and the police having specific legal responsibilities in relation to investigating child protection concerns.

A Social Services Practitioner Engagement event, 'The Role of Social Services In Protecting Scotland's Children' was held on 18 May 2016. This event provided an opportunity for those working in frontline practice to shape and inform development of the CPIP work plan and priorities and considered systems, leadership and neglect. In addition to helping to inform CPIP, the messages from this event also provided an important context to the Leadership Summit.

In identifying priority actions for the next phase of CPIP, we have considered the learning from this event and also recognise that the next phase of CPIP requires a stronger focus on workforce development and collaborative working with the organisations who have a role in supporting workforce development. We will collaborate with partners to identify priority areas whilst ensuring that we do not duplicate work being led by others. For example, the National Guidance for Child Protection in Scotland identifies the importance of high quality support and supervision for practitioners from all agencies involved in child protection. This is an area we will explore further, working with partners across relevant organisations to build on the work which has been taken forward on supervision by the Scottish Social Services Council (SSSC).

5.9 Data & Evidence

Key Messages

- Monitoring the trends of reported, or identified prevalence rates, and the scale of child abuse/harm in Scotland provides useful contextual information for strategic decision making around policy priorities and the effectiveness of our child protection system in preventing harm to children and young people.
- Data from processes within the child protection system are generally good, however, improvements in capturing data around the initial reasons for concern need to be made. There is also a lack of up to date survey data of young people's experiences and self-report of abuse/neglect.
- The evidence review of the child protection evidence base identifies a number of studies and publications that can be used to inform practice, identify what works and improve decision making and practice in the area of child protection. However, there is a significant gap around synthesising the learning from across professional boundaries to make it accessible and meaningful for practitioners to use in informing improvements or changes in practice.
- Areas for improvement in developing the evidence base include better data and evidence to understand: the scale of abuse and neglect; the impact of abuse; approaches to prevention; and how to reduce the risk for vulnerable groups.
- The Child Protection Systems Review Group recommended that the Data and Evidence work stream should develop a strategic programme to deliver robust data sets to support child protection improvement and that the Scottish Government should develop a national resource for advice on using child protection data for local planning and service development. This recommendation will guide the next phase of data and evidence work.

Actions

- 1. We will expand analytical capacity to develop and deliver a Child Protection data improvement programme.**
- 2. We will establish a Child Protection Data and Evidence Hub to develop a more co-ordinated strategic approach to sharing learning.**

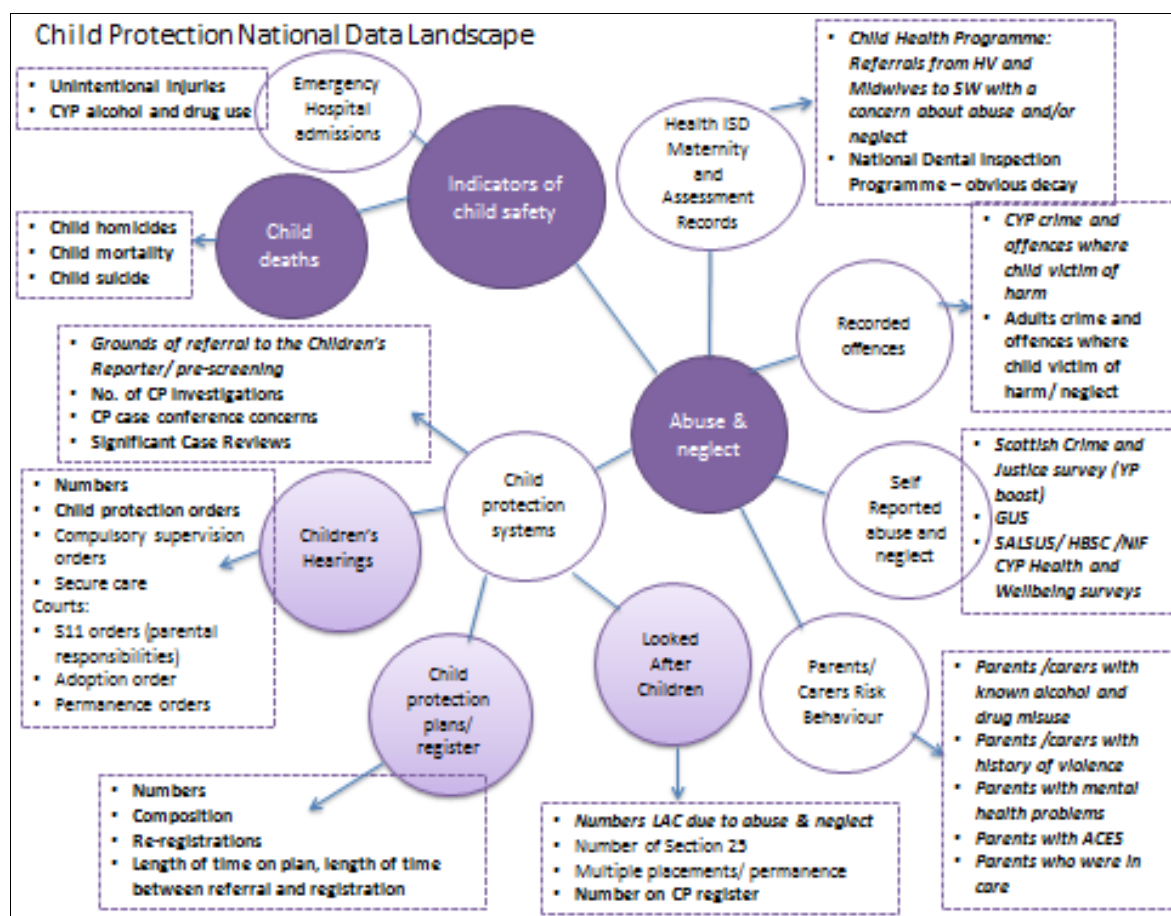
Further Details

An effective child protection system is underpinned by evidence of what works and data that helps practitioners do their jobs, supports improvement and enables us to invest in the right services to meet needs. The data and evidence review took a holistic overview of the current data and evidence landscape for child protection in Scotland that can be used by practitioners to inform thinking around prioritising, planning workforce and service improvement.

The data and evidence review engaged with members of the CPIP External Advisory group and with academic experts. Two facilitated workshops were held to develop data maps, system maps and identify future opportunities as well as gaps.

The Data Review

The data review scoped out the current data landscape as illustrated in the figure below which shows the 2016 draft prevalence baseline report. Data which shows the 2016 draft prevalence baseline is in bold and areas for improvement are in italics.

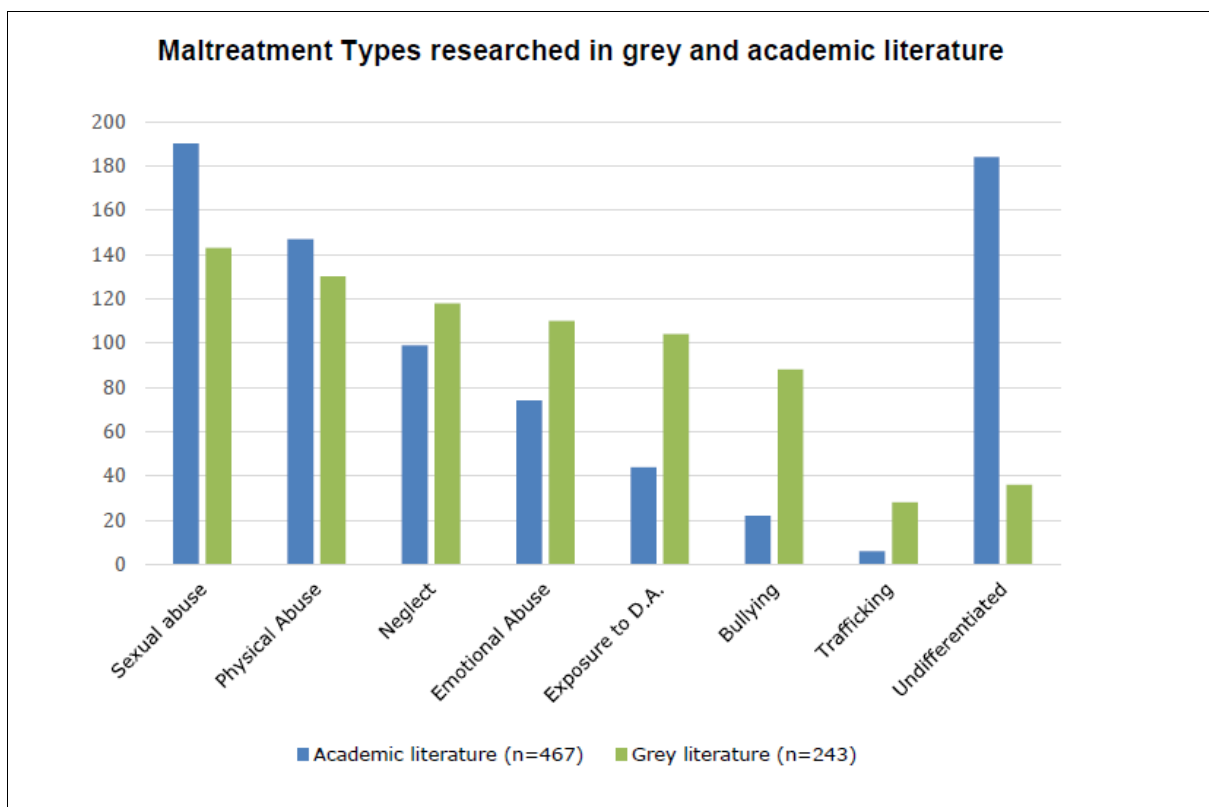


The data review identifies an opportunity to broaden our national monitoring to cover preventative factors (e.g. child mental health, parent/child attachment and relationships), as well as, risk factors (e.g. parental risk behaviours, adverse childhood experiences (ACES) through the development of our national child and wellbeing, crime and victim and health surveys.

The Evidence Review

The evidence review identified areas of expertise and considered the findings from a recent mapping review: ‘The Landscape of Child Protection research in the UK: A mapping review of studies of child abuse and neglect in all 4 nations of the United Kingdom (2015)’⁶. The study identifies and categorises child maltreatment types, substantive topics and research designs used within empirical research published in academic journals.

As with the data review, there are challenges around categorising the evidence base around specific types of child abuse, as there are inconsistencies with the identification and definitions of abuse.



⁶ The landscape of child protection research in the UK. A mapping review of studies of child abuse and neglect in all 4 nations of the United Kingdom (2015) <https://www.nspcc.org.uk/services-and-resources/research-and-resources/2015/landscape-child-protection-research-united-kingdom/>

Areas of improvement for developing the evidence base are to:

- Provide clarity and focus on the different types and definitions of child abuse
- Improve the evidence base on immediate impact of child abuse
- Improve the evidence base on the prevention of child abuse
- Improve the evidence base around supporting and reducing the risk of and preventing harm for key vulnerable groups such as disabled children and looked after children

Resource and analytical expertise is required to pull out and summarise the relevant findings from these studies and make them accessible and meaningful for practitioners to use to inform improvements or changes in practice, similar to the work around neglect.

6. Conclusions

In February 2016 the Cabinet Secretary told Parliament that there is much to be proud of in the way in which we champion and care for Scotland's children and this included the many positives in our child protection system. However, the weaknesses noted in the Care Inspectorate Triennial Review and the Brock Report needed to be addressed and CPIP was established to do this.

There are many strengths in our child protection system; once a child is identified as being at risk of significant harm the systems and processes that are in place, delivered through multi-agency working, generally seem to work to protect children.

The aim of this programme was to build on the strengths of our child protection system to deliver improvement in the light of the findings of the Care Inspectorate Triennial Report and the Brock Report. Looking across the findings of the individual work streams, some broader messages have emerged about what we need to focus on in the next stage of the Programme to make a real difference to children's lives.

Ensuring all children get the same quality of support and protection

The work of the Programme has highlighted variation in practice across Scotland. Much of this variation is legitimate, a result of different processes and structures being in place to match local need, and does not impact on the experience of children and families. The Systems Review Group did, however, reflect on the complexities of the landscape and the large numbers of people and organisations involved and identified a need for greater coordination to strengthen and support practice across the country. In order to address this the Systems Review Group has recommended the establishment of a National Leadership Group.

A more preventative approach to protecting children

While our systems and processes for those identified as "at risk" are broadly sound, our work has found that we need to focus more on child protection in the wider context of GIRFEC and not lose sight of the broader agenda of protecting children beyond the specific requirements of the formal child protection system.

We will develop a **National Child Abuse Prevention Plan** to consider the wider population of children in need who sit below the threshold of significant harm. In doing this our work should be informed by the learning coming from research into the impact of Adverse Childhood Experiences (ACEs) and the protective factor of positive and sustained relationships. One aspect of this will be our neglect improvement programme which focuses on this group of children in need, offering real opportunities for future learning.

A collaborative approach

Our programme has also reinforced our understanding of the wide range of factors that can impact on the ability of parents to meet their children's needs and awareness of the range of policy areas that can contribute to keeping children safer. There is potential for a more collaborative policy approach to child protection, particularly to addressing issues such as neglect – just as we expect multi-agency planning and delivery of child protection locally – so we should be replicating this at a national policy level. We plan to develop this initially by bringing together policy areas within Scottish Government to identify how policy agendas can be better aligned to tackle neglect.

Discussions with stakeholders also reflected the need for a more strategic approach to ensuring children's interests are reflected across Scottish Government policies and strategies that have an impact on children and families. The introduction of the Children's Rights and Wellbeing Impact Assessment (CRWIA) in 2015 aims to ensure that consideration is given to the impact of policies and strategies on children's rights and wellbeing: there are good examples of the impact that carrying out a CRWIA has had on developing policy and strategy. Stakeholders have identified that more could be done prior to the publication of consultation papers to ensure that these consultations align with existing children's policies and reflect children's needs. Children in Scotland have offered to co-ordinate an approach that would enable policy areas across the Scottish Government to access timely, confidential advice from experts in the sector prior to publication of consultations.

Listening to and involving children and young people

In delivering our Improvement Programme we wanted to make sure that children's views and experiences informed what we did. We used existing research and evidence on children's views and experiences of child protection processes to inform the Systems Review and we have also worked with YouthLink and Young Scot to engage with children and young people in developing our revised internet safety action plan. In working with stakeholders about how best to involve children and young people, they have told us that while individual pieces of participation work can be good they tend to be piecemeal and do not inform wider policy. In moving forward with the Programme we need to take a more strategic approach to involving children and young people.

In the context of these broader messages, we have identified some wider programme actions, in addition to the specific work stream actions:

Actions

- 1. We will articulate a national child protection policy including a National Child Abuse Prevention Plan, which creates strong and dynamic cross-government policy connections to keep children and young people safe.**

This will allow us to more easily identify particular issues and what may be done to support families better.

- 2. We will work with Children in Scotland to develop a process for providing confidential expert advice from the children's sector to support officials across Scottish Government in consulting on new policy, strategy or legislation; and the Directorate for Children and Families will take the lead in promoting and embedding this approach across Scottish Government.**
- 3. We will work with Child Protection Committees (CPCs) to get a picture of current participation work with children and young people – with a view to collectively sharing good practice and learning.**
- 4. We will work with children and young people with lived experience to develop a strategic approach to their involvement in child protection policy development**

How will we know if we've made a difference?

In order to help us better understand how the child protection system is working and what the future impact is of the improvement programme, the data and evidence review identified relevant data and established a draft set of 2016 baseline measures. We intend to test this draft baseline dataset with stakeholders to see if it can be used to measure the impact of changes. We are conscious that there are significant gaps that need to be addressed to provide a more holistic picture, particularly around the nature of initial referrals (i.e. children in need), evidence from practitioners on their knowledge, confidence and skills, as well as, evidence from children and young people themselves and will explore this in the next phase of the data and evidence work.

Next steps

Some of the actions set out in the report are part of on-going work and there are existing mechanisms for progressing these. We have started work with partners to develop our Child Internet Safety Action Plan, for example, and work on Child Sexual Exploitation and Child Trafficking is being supported by relevant stakeholder groups. Other actions, however, will require us to develop new approaches; in particular we will develop a plan to take forward the recommendations made by the Child Protection Systems Review Group and have committed to reconvening the Systems Review Group in April 2018 to review progress with the recommendations.

Other actions require us to develop new approaches. We have invited members of the CPIP External Advisory Group and members of the Child Protection Systems Review Group to a joint meeting to start work with us on this and will continue to work collaboratively with stakeholders throughout the programme.

ANNEX A: Child Protection Systems Review Recommendations

Recommendations on Leadership, Governance and Accountability

Recommendation 1

A National Child Protection Leadership Group should be established in order to further support, strengthen and improve, from a national perspective, activity on child protection across Scotland. This group should report and account to Scottish Ministers.

Key tasks of the Leadership Group in Year 1 should be:-

- Oversight of implementation of the recommendations of this report
- Review of the arrangements for child protection across current planning and service delivery processes, including Integration Joint Boards (IJB) and in relation to the duties set out in the Children and Young People (Scotland) Act 2014.

Recommendation 2

Chief Officers should be supported by the National Child Protection Leadership Group and Child Protection Committees Scotland to strengthen delivery of their responsibilities, as set out in the [National Guidance for Child Protection in Scotland \(2014\)](#), and to identify areas where further work may be required, such as:-

- Clarity of reporting mechanisms between Child Protection Committees and Chief Officers' Groups;
- Descriptions of the roles and responsibilities of Child Protection Committees (including that of Chairs of Child Protection Committees) and Chief Officers' Groups; and
- Supporting Child Protection Committees to carry out their roles and functions in line with the requirements set out in national guidance.

Chief Officers should pro-actively engage with and report to elected members and other local scrutiny bodies as the local representatives of their communities and provide opportunities to listen to community concerns and hold learning events at a local level.

The Scottish Government should resource a number of regional leadership events via the Leadership Group for all Chief Officers' Groups and Chairpersons of Child Protection Committees to network, share good practice and collectively horizon scan for new risks facing children and young people.

Recommendation 3

It is critical that the Chief Executive of each local authority, working with the Chief Officers' Group, ensures that Chief Social Work Officers have sufficient support to provide professional leadership, advice and scrutiny across all public protection matters (including child protection), given their key statutory responsibilities within the local authority.

Recommendation 4

The Scottish Government should review both the measures available to protect 16 and 17 year olds and whether the Children's Hearings (Scotland) Act 2011 should be amended to allow any young person aged 16 and 17 years old to be referred to the Principal Reporter where there is a need for compulsory measures.

Recommendation 5

When a Child Protection Case Conference is held, whether or not a child is placed on the Child Protection Register and at any subsequent points when the child protection plan is reviewed, a referral to the Reporter should be considered and the decision on referral should be clearly recorded.

Recommendation 6

The development of a National Child Protection Register that can be securely accessed by all appropriate professionals should be explored. In the short term, it should be ascertained whether it is possible for Police Scotland to use a flagging system on the National Police Vulnerable Persons Database to identify all children placed on a local Child Protection Register.

Recommendations on Developing a Learning Culture

Recommendation 7

The Care Inspectorate should become the central repository for all Initial and Significant Case Reviews and should explore the development of a 'Community of

Practice' portal on the Care Inspectorate website to enable secure access to all Reviews by child protection professionals in all relevant organisations.

Recommendation 8

The Scottish Government should explore a new tiered approach to and methodology for Initial Case Reviews and Significant Case Reviews, based on the 'Child Practice Review' model used in Wales.

Recommendation 9

A set of National Standards should be developed setting out the skills and competences required of those reviewers undertaking Initial Case Reviews and Significant Case Reviews. Appropriate involvement of the child or young person and their family should be a key component of training for reviewers and a Good Practice Guidance Note should be developed on how to engage with children, young people and families involved in child protection processes. This should ensure all Reviews are timely, proportionate and contribute to an on-going learning culture.

Recommendation 10

The National Child Protection Leadership Group and Child Protection Committees Scotland should support local areas to deliver robust continuous improvement programmes. This should include working with relevant organisations to synthesise and share learning from different sources including inspection, research, reviews and local practice.

The Data and Evidence work stream of the Scottish Government Child Protection Improvement Programme should develop a strategic programme to deliver robust data sets to support child protection improvement. The Scottish Government should develop a national resource for advice on using child protection data for local planning and service development.

Recommendations on Shared Values

Recommendation 11

The Children and Young People's Commissioner Scotland should be invited to work with partners to develop a programme of work to understand children's experiences of formal child protection systems in Scotland. This work should include the further development of accessible tools and information directly for children to support their

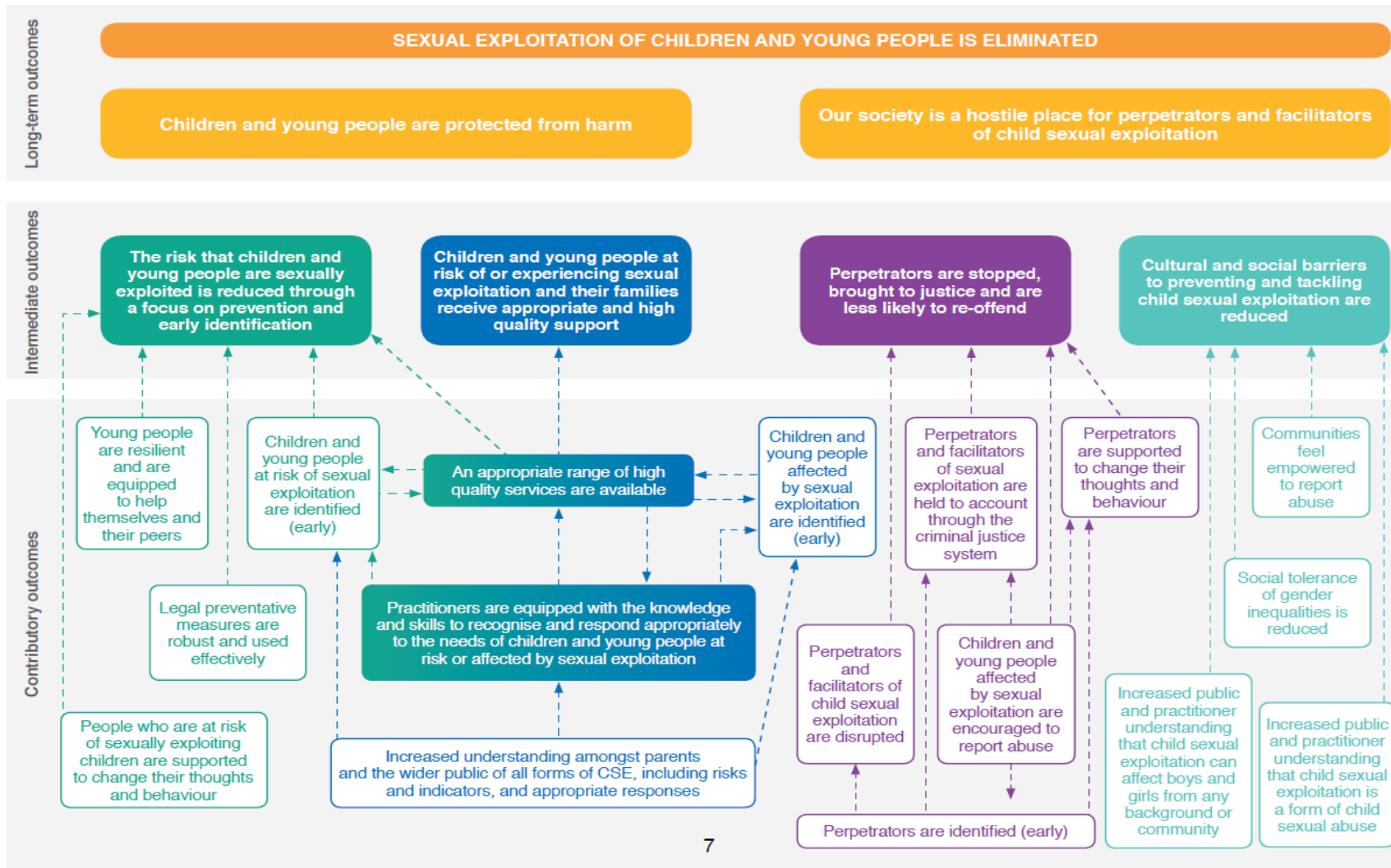
participation in decision-making and events held to support front-line practitioners working with children. This work should include the development of a Good Practice Advocacy Guide for child protection.

Recommendation 12

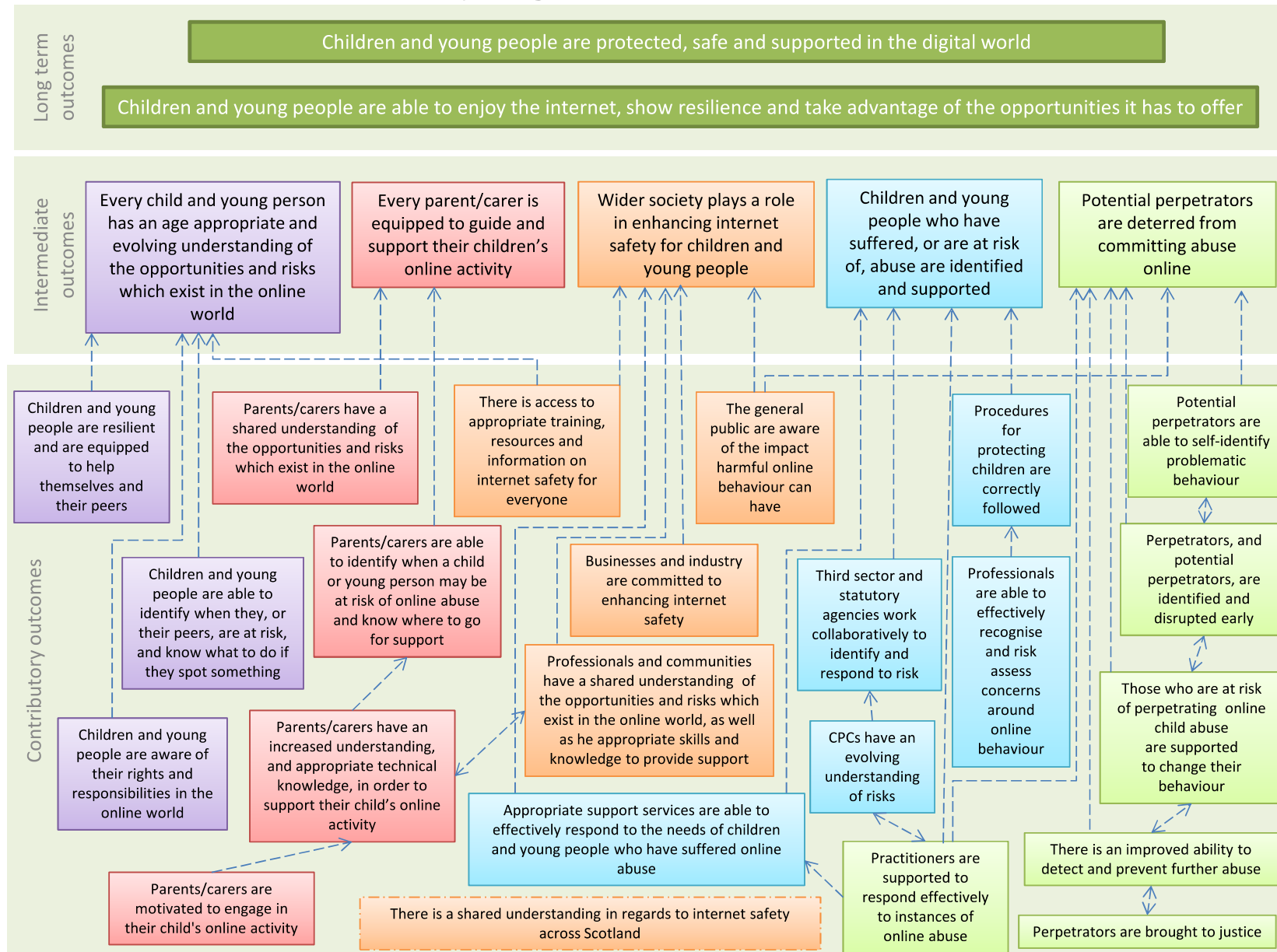
Child Protection Committees should ensure children, parents and wider families are part of the decision-making processes and explore a range of strengths-based participatory approaches to Child Protection Case Conferences to achieve this.

Chief Officers, Heads of Service and senior management should support front-line professionals to participate in all stages of Case Conferences, Core Group meetings and Children's Hearings.

ANNEX B – Prevention of Child Sexual Exploitation Driver Diagram



ANNEX C: Internet Safety Logic Model



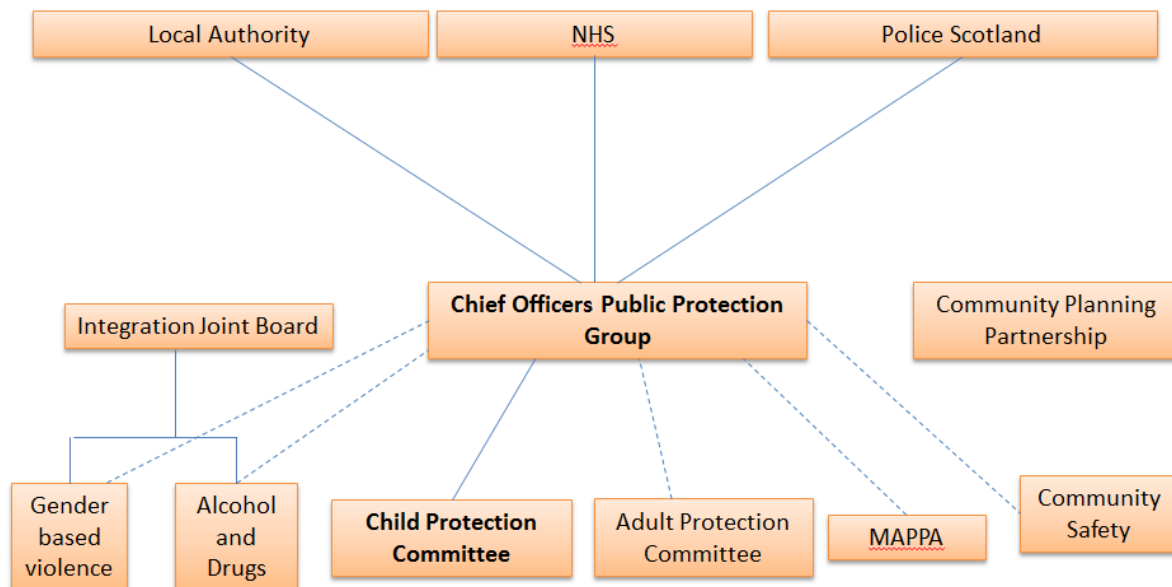
ANNEX D: Leadership and Workforce Development Map

This paper provides an outline of the current landscape of governance and leadership structures relevant to Child Protection and the organisations with an interest in or responsibility for leadership and workforce development in this context. It is intended to identify the routes to effective cultural and practice change.

Local Leadership/Governance Structures

The structures in place around leadership vary across the country, however below is a sample representation of what the governance structure may look like.

Child Protection Governance



Governance Structures Overview

Local Government

- Elected members have a strategic role in ensuring that their council is discharging their statutory responsibilities and that, in line with these responsibilities, there are appropriate arrangements in place for helping to keep children safe.

Chief Officers (Public Protection) Groups

- The Chief Officers Group is made up of Local Police Commanders and Chief Executives of health boards and local authorities. The Chief Officers are

responsible for ensuring that their agencies, individually and collectively, work to protect children and young people as effectively as possible. They also have responsibility for maximising the involvement of those agencies not under their direct control, including the Scottish Children's Reporter Administration, the Crown Office and Procurator Fiscal Service and the third sector. The Chief Officer Groups across Scotland are individually and collectively responsible for the leadership, direction and scrutiny of their respective child protection services and their Child Protection Committees. The Chief Officers are also responsible for overseeing the commissioning of all child protection services and are accountable for this work and its effectiveness. They are individually responsible for promoting child protection across all areas of their individual services and agencies, thus ensuring a corporate approach. This responsibility applies equally to the public, private and third sectors.

Child Protection Committees

- Child Protection Committees (CPCs) 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 locality and in partnership 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 across Scotland. There is a CPC within each local authority area and they report to the relevant Chief Officers Group.

Community Planning Partnerships

- There is a Community Planning Partnership (CPP) covering each local authority area. The Community Empowerment (Scotland) Act 2015 gives community planning a statutory purpose focused on improving outcomes and reducing inequalities of outcome on local priorities. It introduces specific duties for CPPs around this, focused on securing community participation (having regard in particular to bodies representing persons experiencing inequalities of outcome resulting from socio-economic disadvantage), planning for better local outcomes and reporting to local communities on progress. This includes agreeing Local Outcome Improvement Plans (LOIPs), and also locality plans for smaller communities in their area which experience the poorest outcomes.
- The Act also introduces specific duties on the community planning partners who make up the community planning partnership, i.e. local authorities and public sector bodies (such as NHS boards, integration joint boards and Police Scotland) to make effective community planning happen. This includes:

- providing resources, both to deliver CPP priorities and to secure participation of community bodies, particularly those representing groups who may experience disadvantage;
 - working collaboratively in carrying out community planning
 - taking account of CPP plans in carrying out their own functions
- CPPs do not have either formal delivery nor governance responsibilities for child protection. Community planning should focus on a small number of locally identified priorities where the CPP can add most value as a partnership to improve the achievement of outcomes resulting from, or contributed by, the provision of services delivered by or on behalf of community planning partners. However, CPPs can choose to reflect child protection issues within the priorities they set for themselves. CPPs also provide a vehicle through which public sector bodies can work together to discharge their own child protection delivery and governance.
 - Children's Services Partnerships have traditionally been the vehicle for the development of the Integrated Children's Services plan. These typically fit within the CPP structure.

Local Authorities

- As outlined above a local authority Chief Executive as Chief Officer has particular responsibilities in relation to child protection.
- Each Local Authority is required to have in place a Chief Social Work Officer (CSWO) who has a specific role in relation to the governance and decision making in relation to protecting children. The responsibilities of CSWOs are principally set out in statutory guidance, but sometimes are conferred directly by statute, – see <http://www.gov.scot/Publications/2016/07/3269/downloads> . CSWOs also produce Annual Reports which provide useful summaries of all aspects of social work services delivery, including Child Protection, in their local area – see: <http://www.gov.scot/Topics/People/social-services-workforce/people/cswa-annual-reports>

Integration Joint Boards

- The Public Bodies (Joint Working) (Scotland) Act 2014 puts in place arrangements for integrating health and social care, in order to improve outcomes for patients, service users, carers and their families. The Act requires health boards and local authorities to work together effectively to agree a model of integration to deliver quality, sustainable care services. NHS Highland and Highland Council have opted for a lead agency model where the health board is responsible for adult health and social care services and the local authority is responsible for children's social care and community health care services. The other health boards and local authorities have put in place

a body corporate model, where an Integration Joint Board has been established. This will see health boards and local authorities delegate a significant number of functions and resource to the Integration Joint Board who will be responsible for the planning of integrated arrangements and onward service delivery.

- Each of Scotland's 30 Integration Joint Boards has a Chief Officer. Chief Officers of Integration Joint Boards play a crucial role in the implementation of health and social care integration. A Chief Officers Network has been created to help support implementation of health and social care integration. This network meets regularly to exchange information and to discuss common challenges as integration arrangements progress.
- In areas where children's health and social work are delegated functions/part of integration scheme, Integration Joint Boards may also have a role in planning and commissioning child protection services.

National Organisations and Groups Which Have a Leadership Role

There are a number of national organisations and groups that bring together senior leaders and which may be positioned to provide support and advice in regard to child protection and wider children's services. They are networks or membership organisations rather than decision-making or authorising bodies. These include:

- **Convention of Scottish Local Authorities (COSLA)** – the representative voice of Scottish local government, for 28 out of 32 councils in Scotland. COSLA promotes and protects the interests of councils in Scotland and the people and communities they serve by representing their views to Scottish, UK and European governments and legislatures, other bodies and the public.
- **The Scottish Local Government Partnership (SLGP)** - established in March 2015. The SLGP provides a voice and representation for its member Councils (currently 4) on priority issues that affect local government.
- **Society of Local Authority Chief Executives (SOLACE)** - the representative body for Chief Executives and senior managers working in the public sector in the UK. There is a Scotland Branch.
- **Child Protection Committees Scotland (CPCS)** - plays a leading role in the development and promotion of child protection policy, agrees common standards and efficient and effective procedures. CPC Scotland informs national child protection policy, working alongside the Scottish Government in order to make a positive difference to the lives of vulnerable children and young people.

- **Social Work Scotland** - the professional leadership body for the social work and social care professions. It is a membership organisation which represents social workers and other professionals who lead and support social work across all sectors.
- **Association of Directors of Education in Scotland (ADES)** – an independent professional network for leaders and managers in education and children’s services. It informs and influences education policy in Scotland, working in partnership with local and national government and other agencies. ADES also offer a range of professional development activities and opportunities for members.
- **Society of Local Authority Lawyers and Administrators in Scotland (SOLAR)** – for all matters affecting local government, promoting sound administrative and legal practice within Scottish local authorities and aiming to promote and develop the professional knowledge and talents of SOLAR members.
- **Scottish Leaders Forum** - The Scottish Leaders Forum (SLF) is a network of leaders at the heart of public services in Scotland. They meet to discuss and collaborate on the important policy issues facing Scotland. The SLF collaborates, shares, and improves on co-produced outcomes across all public services for the people of Scotland.
- **Social Work Services Strategic Forum** – established in late 2013 as a partnership forum of key stakeholders from across the social services sector. It was established to develop and implement a Vision and Strategy for the sector with a strong commitment to working in partnership across organisations and with government to deliver its vision for high quality and effective social services. The Forum is chaired by the Minister for Childcare and Early Years and facilitated by the Office of the Chief Social Work Adviser in the Scottish Government.
- **Coalition of Care and Support Providers in Scotland** – CCPS work to identify, represent, promote and safeguard the interests of third sector and not-for-profit social care and support providers in Scotland, so that they can maximise the impact they have on meeting social need.

Leadership and Workforce Development

There are a number of organisations in Scotland which have responsibility for or interest in leadership and workforce development across a wide range of workers including those working in children’s services. They may also have responsibility or capacity for leadership development. These include:

Professional Regulatory Bodies

- **The General Teaching Council for Scotland (GTCS)** – maintains a register of teachers in Scotland and carries out a wide range of statutory functions and initiatives to promote, support and develop the professional learning of teachers.
- **Nursing and Midwifery Council (NMC)** - regulates nurses and midwives in England, Wales, Scotland and Northern Ireland. Sets standards of education, training, conduct and performance so that nurses and midwives can deliver high quality healthcare throughout their careers.
- **General Medical Council (GMC)** – regulatory body for doctors. Protects patients and improves medical education and practice in the UK by setting standards for students and doctors. Supports them in achieving and exceeding those standards, and take action when they are not met.
- **Scottish Social Services Council (SSSC)** - the regulator for the social service workforce in Scotland. The SSSC works to ensure that the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce. They protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their development. Where people fall below the standards of practice and conduct they can investigate and take action. The SSSC also facilitates the development and implementation of the Leadership Strategy for Social Services in Scotland
- **The General Dental Council** - they regulate the professions by setting standards, quality assuring education, and registering dentists and dental care professionals. They also take action against those who work outside the law

Scrutiny Bodies

- **Care Inspectorate** - regulates and inspects care services in Scotland to make sure that they meet the right standards. They also jointly inspect with other regulators to check how well different organisations in local areas work to support adults and children.
- **Healthcare Improvement Scotland (HIS)** - the national healthcare improvement organisation for Scotland. They work with staff who provide care in hospitals, GP practices, clinics, NHS boards and with patients, carers, communities and the public. HIS delivers scrutiny activity, provides improvement support to healthcare providers and provides clinical standards, guidelines and advice based on the best available evidence.
- **Education Scotland** - Education Scotland is a Scottish Government executive agency charged with supporting quality and improvement in Scottish education. In addition to their inspection function, they work with a range of national partners and with practitioners to ensure that professional

development across the education system is effective and impacts positively on outcomes for all learners.

- **Her Majesty's Inspectorate of Constabulary for Scotland** - Her Majesty's Inspectorate of Constabulary (HMIC) independently assesses police forces and policing across activity in the public interest.

Practice Improvement Bodies

- **Centre for Excellence for Looked After Children in Scotland (CELCIS)** – dedicated to making positive and lasting improvements in the wellbeing of children and young people living in and on the edges of care, and their families, across the whole country, and the globe. In their partnership work with carers, social workers, teachers, nurses, charities, the police, local authorities and the Scottish Government CELCIS work to understand the issues, introduce the best possible practice and develop solutions.
- **Scottish College of Educational Leadership (SCEL)** - supports teachers' and early years' practitioners professional learning in leadership
- **NHS Education for Scotland** - an education and training body and a special health board within NHS Scotland, with responsibility of developing and delivering education and training for the healthcare workforce in Scotland.
- **Centre for Youth and Criminal Justice** - supports improvement in youth justice, contributing to better lives for individuals and communities
- **IRISS** - a charitable company that promotes positive outcomes for the people who use Scotland's social services, by enhancing the capacity and capability of the social services workforce, to access and make use of knowledge and research for service innovation and improvement.



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