



National Guidance for Child Protection in Scotland 2021: Impact Assessments



Scottish Government
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Contents

Business and Regulatory Impact Assessment (BRIA)	1
Data Protection Impact Assessment (DPIA).....	8
Island Communities Impact Assessment (ICIA)	25
Child Rights and Wellbeing Impact Assessment (CRWIA).....	37
Equality Impact Assessment (EQIA)	46
Fairer Scotland Duty.....	57

Business and Regulatory Impact Assessment (BRIA)

Purpose and intended effect

Background

The safety and wellbeing of children, including unborn babies and young people up to the age of 18, is paramount. Physical and emotional safety is fundamental to a child's wellbeing and healthy development and our children have the right to be protected from all forms of harm and abuse.

We are committed to working with parents and families, carers, professionals and communities to ensure this. The National Guidance for Child Protection in Scotland is core to those efforts and provides a common framework that underpins practice across services and disciplines.

Following the commencement of the provisions of the Children and Young People (Scotland) Act 2014¹, the Scottish Government published non-statutory National Child Protection Guidance in Scotland in the same year², to offer encouragement and support to the changes in procedure and process to ensure readiness for the new duties.

The current version of the National Guidance for Child Protection in Scotland was published in May 2014, updating a comprehensive 2010 rewrite of a 1998 version. In 2017 the Child Protection Improvement Programme³ (CPIP) recommended updating aspects of the 2014 Guidance. Subsequently the Government committed in their 2019/20 Programme for Government that revised National Guidance for Child Protection in Scotland (**hereinafter "the Guidance"**) will be published to ensure it is consistent with the legislative and policy framework as well as current practice developments.

The independently chaired Child Protection Systems Review, published in 2017, recommended that a National Child Protection Leadership Group be established to support, strengthen and improve, from a national perspective, activity on child protection across Scotland. CPIP is overseen by the Scottish Government's National Child Protection Leadership Group.

A Scottish Government National Guidance Steering Group provided oversight of this significant revision of the Guidance, with its membership representing leadership in key stakeholders' organisations and policy areas. This Steering Group reported to the National Child Protection Leadership Group throughout the development of the revised Guidance.

¹ Children and Young People (Scotland) Act 2014
<https://www.legislation.gov.uk/asp/2014/8/contents/enacted>

² National guidance for child protection in Scotland 2014 <https://www.gov.scot/publications/national-guidance-child-protection-scotland/pages/2/>

³ Child Protection Improvement Programme
<https://www.gov.scot/policies/child-protection/child-protection-improvement-programme/>

The Steering Group worked closely with partners from across education, social work services, health, police, justice, and the third sector in the development of this revision, as well as seeking the views and input of children and families. The National Guidance reflects a determination to engage with families, to seek to work in partnership to safeguard children from harm, and to ensure that they receive the necessary support if they have been harmed.

This revision takes full account of policy and legislative developments, and reflects thinking across a range of areas. It incorporates our understanding of best practice from various sources, including practitioner and stakeholder experience, inspections, research, and learning from Significant Case Reviews (SCRs).

The broad objectives of this revision are to:

- ensure children's rights and voices are central to child protection
- underline the need to engage with families to offer support and reduce risk of harm
- support consistency in understanding about key processes when agencies must work together to prevent and respond to significant harm to reduce unwarranted variation
- integrate essential changes in legislation and national Guidance
- reference key policy, research and practice developments and sources

The intended outcomes of this revision are to:

- support a reduction in the incidence of significant harm to children and of child death in Scotland
- improve professional inter-agency practice, supervision, management, training and development
- promote a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities
- support a context in which children and young people receive a more consistent approach to care and protection

Rationale for Government intervention

The Guidance frames child protection within the context of the wider strategic landscape. Its development has highlighted challenges and pre-existing tensions in ensuring that sufficient resource is available to prioritise holistic support for all families; and that a stronger emphasis on prevention and early help does not draw families unnecessarily into child protection processes.

We have focused efforts over recent years on taking a whole system approach and working collaboratively to design and deliver public services that are responsive to the needs of children and families, and that are focused on prevention and early offers of support. When Getting it right for every child (GIRFEC) is put into practice fully, we know it works well and makes a positive difference. However, we know that there are barriers to its delivery, and that we need to focus on closing the implementation gap. The Promise highlights a significant gap between our aspirations and reality and identifies the need for a

fundamental shift in how decisions are made about children and families in Scotland.

With so much change ahead, we need to ensure we proceed with strategic coherence, within Scottish Government as well as with our partners at national and local levels, including the important role of Children's Services Planning Partnerships. The development of a Wellbeing Outcomes Framework for Children and Families will have a part to play in providing that coherence. There is a strong appetite to innovate, using learning from the ways that services have adapted during the Coronavirus (COVID-19) pandemic.

The revision of the Guidance will assist the achievement of the National Performance Framework outcomes to ensure that children and young people:

- grow up loved, safe and respected so that they realise their full potential
- live in communities that are inclusive, empowered, resilient and safe

The legal duty to investigate and report issues in relation to child protection, for local authority social work services and police officers, is derived from the following sources:

- the Children's Hearings (Scotland) Act 2011
- Children (Scotland) Act 1995
- Social Work (Scotland) Act 1968
- the Police and Fire Reform (Scotland) Act 2012

This statutory duty therefore has a cost impact on social work and police services, and provides the basis for this impact assessment.

Consultation

Development of the revised Guidance involved detailed consultation with a wide range of stakeholders, experts and organisations, as well as extensive participation from academia and the third sector. Children, young people and their families' experiences and views were sought via practitioners' individual contributions and directly from children, young people and families themselves. [See Data Protection Impact Assessment for further detail]

There has also been internal engagement with other policy teams, across the following Scottish Government Directorates

- Children & Families Directorate
- Scottish Government Legal Directorate
- Justice Directorate
- Health and social care
- Education

Public consultation on the draft Guidance took place between 21 October 2020 and 31 January 2021. A total of 159 consultation responses were received from a wide range of organisations and individuals. The number and diversity of respondents is a welcome sign that protecting children is increasingly seen as everyone's responsibility. In addition to the public consultation, seven virtual

stakeholder engagement events were held during November and December 2020. These events provided an opportunity to hear views from Child Protection Committee members, with a facilitated discussion structured around the consultation questions.

Analysis of the consultation responses and the feedback from the engagement events have been carefully considered by the Scottish Government, the National Guidance Steering Group and the National Child Protection Leadership Group.

The vast majority of responses were very positive, proposing a range of mainly constructive suggestions for revision and improvement.

We have engaged directly with some respondents to better understand their views and reflect these in the revised Guidance. We have also engaged with The Promise Scotland who have helped to ensure that links with The Promise are well embedded throughout the Guidance and, in particular, that there is sufficient understanding of the impact of poverty throughout the document.

There are some suggestions for revision that are more appropriate for local processes and operational guidance and other suggestions and views which will inform delivery of wider strategic developments including implementation of The Promise and UNCRC.

Options

Option 1 – Revise/update National Guidance for Child Protection in Scotland

Revision of the 2014 Guidance is recommended as part of the 2016 Child Protection Improvement Plan (CPIP), to ensure it is consistent with current legislative and policy frameworks and practice developments. Updating the National Guidance supports development and revision of local procedures and processes, promotes inter-agency working and a common ethos of child protection, and contributes to enhanced wellbeing and protection for children at risk of harm.

Option 2 – Do nothing

Failure to revise the Guidance equates to failure to implement the recommendation in the 2017 Child Protection Improvement Programme and subsequent 2019 Programme for Government commitment. This will adversely affect child protection practice and processes across Scotland due to the Guidance becoming outdated in comparison with legislative and policy frameworks and practice developments.

Benefits – Option 1

Up-to-date Guidance assists in reducing the incidence of significant harm to children and of child death in Scotland. It supports professional inter-agency practice, supervision, management, training and development and promotes consistency in skills, values and interventions. This shared ethos and philosophy of care and protection is, in turn, experienced by children, parents and families across Scotland.

A series of practice insights will be published alongside the Guidance, which provide perspectives on practice in relation to specific topics, and reflect the experience of children and young people, ensuring a central focus on the child's voice and perspective.

Benefits – Option 2

None. Failure to implement the plan would likely have a negative impact on children who may be at risk of and require protection from harm.

Costs – Option 1

Implementation of the revised Guidance could have cost implications on statutory services who need to develop/revise local child protection guidance, practice and processes. There could also be cost implications for third and community sectors in relation to training and other aspects of service delivery. This could place a particular pressure on already stretched resources due to responding to the COVID-19 pandemic.

Costs – Option 2

Failure to revise and publish the National Guidance would mean that the benefits identified above in relation to option 1 would not be realised. There would be no immediate additional costs through this option. However, it has the potential to lead to an increase in costs in the future due to increased incidences of significant harm to children and young people with more expensive support and interventions ultimately required.

Scottish Firms Impact Test

The revised Guidance, which aims to improve child protection practice and processes across Scotland, should have no impact on Scottish firms.

Competition Assessment

The revised Guidance, which aims to improve child protection practice and processes across Scotland, should have no impact on the competitiveness of Scottish companies within the UK, in Europe or the rest of the world.

Consumer Assessment

The revised Guidance aims to improve child protection practice and processes across Scotland so will not have a negative impact on consumers.

Test run of business forms

No new forms are being introduced as a result of the revised Guidance.

Digital Impact Test

The revised Guidance will not have any direct digital impact. It focusses on improving child protection practice and processes across Scotland, and does not

make provision related to either off-line or on-line businesses and is not concerned with regulating commercial activity.

Legal Aid Impact Test

The revised Guidance is not creating new rights or responsibilities. It is focussed on improving child protection practice and processes across Scotland, so should have no impact on the legal aid fund.

Enforcement, sanctions and monitoring

The revised Guidance does not propose regulations or legislation therefore enforcement and sanctions will not be required.

Scottish Government will work with statutory authorities and other service providers to monitor implementation of the Guidance.

Implementation and delivery plan

Following publication, local areas will begin the work of considering how to adapt and change local processes, procedures and practice and then subsequently implement those adaptations and changes. There is variation across the country in the scale of change required as well as the areas where focused activity will be required.

Strong leadership is needed to model the values underpinning this Guidance and drive forward the expectations of single and multi-agency responses to children and their families. Strategic scrutiny activity underlines the criticality of well-functioning Chief Officer Groups and Child Protection Committees in leading effective child protection responses. But there are current leadership challenges in some areas, notably, the complexity of local arrangements and the level of staff changes in key leadership positions.

We have established a small implementation steering group to undertake detailed implementation planning as local areas engage with the Guidance and a fuller picture of support needs for practitioners, managers and leaders emerges. This group will consider the appropriate balance between national supports where common needs are identified and developments that are taken forward at local or regional level through adaptation or augmentation of existing structures or programmes. Consideration of local resourcing requirements will be an early focus for this group.

In line with the emphasis in the Guidance on involving children, young people and families in the design and understanding of their own care and protection experiences, we will co-produce a 'Guide to the Guidance' document that is accessible for children and young people and families and explains the key aspects of protective responses as an early implementation action.

Work is also underway to develop an accountability framework for Health Boards, which will support NHS Chief Executives in assuring themselves of the adequacy of their child and adult protection arrangements and NHS Education for Scotland public protection training for healthcare practitioners.

The work and time required to consider and adapt local practice was highlighted by participants at consultation engagement events. Given current COVID-19 recovery planning and in recognition that local areas are at different stages of development, we anticipate that a period of one to two years will be needed for local areas to assess, plan and implement the required changes.

We will work with partners to review and update the Guidance when required by significant legislative, policy or practice changes on an annual basis, with a broader review every 3 years to ensure it remains relevant and up-to-date. This will include a review of compatibility with the UNCRC as part of the implementation of the Incorporation Bill.

This draft document is an initial assessment of the impact of the revision of the National Guidance for Child Protection in Scotland and Scottish Government will continue to review and update this document where required during the implementation process.

Summary and recommendation

It is recommended that the revised National Guidance for Child Protection in Scotland is published and implemented as soon as possible as it will support improvement in child protection practice and processes across Scotland.

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:



Ms Haughey

Minister for Children and Young People

Date: 20 July 2021

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Data Protection Impact Assessment (DPIA)

1. Introduction

The Scottish Government is committed to working with parents and families, carers, professionals and communities to ensure every child's right to be protected from harm, including neglect and abuse. Physical and emotional safety is fundamental to a child's wellbeing and healthy development. This foundation can only be secured by working together. The National Guidance for Child Protection in Scotland is core to those efforts and provides a common framework that underpins practice across services and disciplines.

Revision of the National Guidance for Child Protection in Scotland is part of the Child Protection Improvement Plan (CPIP), initiated in 2016, which states that this revision is necessary "*to ensure it is consistent with the legislative and policy framework and current practice developments.*" The current version of the National Guidance was published in May 2014, updating a comprehensive 2010 rewrite of a 1998 version.

The independently chaired Child Protection Systems Review, published in 2017, recommended that a National Child Protection Leadership Group be established to support, strengthen and improve, from a national perspective, activity on child protection across Scotland. CPIP is overseen by the Scottish Government's National Child Protection Leadership Group.

A Scottish Government National Guidance Steering Group was formed at the start of the process to oversee this significant revision of the Guidance. The membership of this Group represents leadership in key stakeholders' organisations and policy areas. This Steering Group ultimately reports to the National Child Protection Leadership Group.

The Steering Group worked closely with partners from across education, social work services, health, justice, and the third sector in the development of this revision, as well as seeking the views and input of children and families. The National Guidance reflects a determination to engage with families, to seek to work in partnership to safeguard children from harm, and to ensure that they receive the necessary support if they have been harmed.

This revision takes full account of policy and legislative developments, and reflects thinking across a range of areas. It incorporates our understanding of best practice from various sources, including practitioner and stakeholder experience, inspections, research, and learning from Significant Case Reviews (SCRs).

Processing personal data and sharing relevant information is an essential part of protecting children from harm. It is acknowledged that information sharing is a complex area and those working with children and young people should understand when and how they may share information. This includes using their professional judgement in relation to child protection as well as working within and applying data protection legislation through their organisation's procedures and processes. Within agencies, the systems and procedures used in processing data should provide a framework for lawful and effective information sharing.

2. Document metadata

2.1 **Name of Project:** National Guidance for Child Protection in Scotland 2021

2.2 **Author of report:** Lindsay MacDougall

2.3 **Date of report:** July 2021

2.4 **Name of Information Asset Owner (IAO) of relevant business unit:** Lesley Sheppard

2.5 **Date for review of DPIA:** The DPIA will be reviewed at the same time as the Guidance is reviewed. This will be on an annual basis when required by significant legislative, policy or practice changes, with a broader review every 3 years to ensure it remains relevant and up-to-date.

Review date	Details of update	Completion date	Approval Date

3. Description of the project

3.1 Description of the work

The broad objectives of this revision are to:

- ensure children’s rights and voices are central to child protection
- underline the need to engage with families to offer support and reduce risk of harm
- support consistency in understanding about key processes when agencies must work together to prevent and respond to significant harm to reduce unwarranted variation
- integrate essential changes in legislation and national Guidance
- reference key policy, research and practice developments and sources

The intended outcomes of this revision are to:

- support a reduction in the incidence of significant harm to children and of child death in Scotland
- improve professional inter-agency practice, supervision, management, training and development
- promote a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities
- support a context in which children and young people receive a more consistent approach to care and protection

3.2 Personal data to be processed

Variable	Data Source
Full details of child concerned: name, date of birth, place of birth, home address.	Personal data may be sourced from databases of statutory organisations, such as Police Scotland, Health, Education, Social Work. The views of and input from the child concerned may also be sought, using age-

	appropriate language and taking into account the vulnerability of the child.
Details of professionals working with children and young people: name, place of work.	Personal data may be sourced from databases of statutory organisations, such as Police Scotland, Health, Education, Social Work, and also professional bodies and third sector organisations.
Details of family members/carers of child concerned	Personal data may be sourced from databases of statutory organisations, such as Police Scotland, Health, Education, Social Work, as well as the family member/carer themselves.

3.3 Describe how this data will be processed

The National Guidance for Child Protection in Scotland encompasses processes for safeguarding and protecting children from harm, and inter-agency child protection procedures are defined for circumstances in which a child may have experienced or may be at risk of significant harm.

The revised Guidance highlights key principles relevant to practice in these areas, making it clear that sharing relevant information is an essential part of protecting children from harm. However, information shared must only be that which is necessary for child protection purposes.

Practitioners and managers in statutory services and the voluntary sector should all understand when and how they may share information. Practitioners must be supported and guided in working within and applying the law through organisational procedures and supervisory processes. Within agencies, data controllers and information governance/data protection leads should ensure that the systems and procedures for which they share accountability provide an effective framework for lawful, fair and transparent information sharing. Where appropriate, data sharing agreements must be in place.

Where there is a child protection concern, relevant information should be shared with Police or Social Work without delay, provided it is necessary, proportionate and lawful to do so. The lawful basis for sharing information should be identified and recorded. Agency data protection leads should be able to advise where doubt about lawful basis exists.

As there are no universal solutions for the variables at play in each child protection situation, the revised Guidance reflects the role of professional judgement, such that it is the role of designated Police, Social Work and health staff to consider whether there may be a risk of significant harm, and if so, to progress necessary action through child protection procedures. This will include careful consideration and a plan for how information should be shared with the child and family, including where there is no further action required. Practitioners with child protection concerns may share information to:

- clarify if there is a risk of harm to a child
- clarify the level of risk of harm to a child
- safeguard a child at risk of harm
- clarify if a child is being harmed
- clarify the level of harm a child is experiencing
- safeguard a child who is being harmed

Professional judgement must always be applied to the available evidence about each specific emerging concern, and about what is relevant, proportionate, and necessary to share. The concern must be placed in the context of available observed and recorded information about the particular child, their needs and circumstances.

The revised Guidance aims to clarify considerations when sharing without consent. Where there may be a child protection concern, information may be lawfully shared without the need for consent to be given by the individual(s) to whom the information relates. Consent is not appropriate if refusal to give consent would prejudice a criminal investigation or might lead to serious harm to the child. Furthermore, due to the power imbalance between a child or families and the authorities, it would be difficult to demonstrate that consent was freely given. In matters of child protection, it is therefore likely that reliance on consent would be the exception and not the rule. The following considerations outline how to support relevant, proportionate, timely, safe and effective information sharing:

- If there is evidence that a child is at risk of significant harm, relevant information can be shared with a statutory agency without delay. Consent is not required or appropriate because the information must be shared in order to protect the child. Consent should only be sought when the individual has a real choice over the matter. However, where appropriate, agreement and understanding about the sharing of information may be helpful in engaging individuals in the process.
- The needs, feelings, views and wishes of the child should be taken into account and documented. They may also need additional support to understand and communicate.
- Information sharing decisions must be based not only upon considerations about the safety and wellbeing of the individual, but also the safety of others.
- Information can be shared without consent if, for example, a practitioner is unable to gain consent from the individual in time to prevent risk of harm, or if gaining consent could place a child at risk.
- Relevant personal information can be shared lawfully if, for example, it is to keep a child or individual at risk safe from neglect or physical, emotional or psychological harm. This must be done in a way that complies with the relevant areas of law such as data protection, human rights and confidentiality.
- In all circumstances, it is important to be transparent with children and families so that they know what information is to be shared or has been shared and in what circumstances. In certain exceptional circumstances, it may not be appropriate to advise the individual that information is to be shared.
- Children and their families should also be aware that they can challenge whether sharing information is proportionate.
- A record should be made of the reasons and considerations that informed the decision to share the information.

The revised Guidance invites practitioners to consider, where there is a possible child protection concern and a decision is made not to share information:

- what are the reasons for deciding not to share information?
- what harm could result if this information is not shared?
- what are the possible risks for the child or young person or for others if information is not shared, and how serious could those risks be?

When in doubt about the boundaries of information sharing, practitioners are advised to seek advice from their line managers. Further consultation may be necessary with agency advisors for Getting it right for every child (GIRFEC) and/or child protection. There should also be a governance lead to consult about the sharing of information in principle, without disclosing the identity of the

individual. In any circumstances, agreement or disagreement and course of action or intervention should be recorded.

The Guidance must note that, within health services, Caldicott Guardians are senior persons appointed to ensure that personal information is processed legally, ethically and appropriately. Caldicott Guardians provide leadership and informed guidance on complex matters involving confidentiality and information sharing ([A Manual for Caldicott Guardians](#)). If and when there is a decision to share information in relation to a child protection concern, then consideration should be given to the necessity to consult the child or young person's named person (if they have one), and where there is one appointed, the lead professional. They may have information that is relevant to the concern.

One of the key areas of concern for the Care Inspectorate has been the use of inter-agency chronologies and the revised Guidance provides succinct description of their optimal use, with due reference to the work of the Care Inspectorate. Practitioners should be aware that chronologies are a form of data processing. They may be shared or jointly compiled between agencies and can have a formative influence on inter-agency child protection assessment and planning. Engagement with the Pan Lothian Chronologies Oversight Group has contributed to development of core text in Part 3 of the Guidance and a Practice Insight.

Individuals about whom information is being shared should not be put under pressure to consent to the sharing of their information. They should be informed and involved in such a way that they understand what is happening and why. They should also be told what information about them is being shared, with whom, and why this is necessary, unless to do so would be detrimental to:

- the best interests of a child
 - the health or safety of a child or another person
 - the prevention or detection of crime (e.g. creating a risk of harm to a child)
- OR**
- the apprehension or prosecution of offenders
- OR**
- it is not reasonably practical to contact the person
 - it would take too long given the particular circumstances
 - (e.g. where you have to act quickly)
 - the cost would be prohibitive
 - there is some other compelling reason

Information sharing must be:

- timely in relation to the child protection concern
- secure in the manner in which it is shared
- explicit in the records about any dispute in facts or opinions shared

Shared information and records held must:

- state with whom the information has been shared and why
- be accurate and up-to-date
- be explicit about reasons for sharing or not sharing information

Information sharing that may be viewed as interfering with the right to private family life can only be lawful if it is done in a way that is proportionate to the achievement of a legitimate aim.

On records management, the revised Guidance makes it clear that effective records management policies include a well-structured file plan, standard file-naming conventions for electronic documents, and a clear retention policy about when to keep and delete documents. This will

assist organisations with accountability and documentation obligations, including those relating to access to records. On access to records, practitioners are reminded that the right of access (known as subject access) is a fundamental right of the UK General Data Protection Regulation (GDPR). It allows individuals to find out what personal data is held about them and to obtain a copy of that data. There is cross-reference to the Information Commissioner's Guidance ([Right of access | ICO](#)) about the rights that individuals have to access their personal data and the obligations on data controllers.

The involvement and participation of children is a central theme throughout the revised Guidance and therefore, within the section dealing with information sharing principles, practitioners are reminded that Article 12 of the UNCRC must inform the approach to participation of children in child protection processes. This makes no restrictive presumption about age. The text of Article 12 is quoted, such that "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." There is no age limit on the right of the child to express their views. Practitioners must not begin with the assumption that a child is incapable of expressing her or his own views, but rather presume that a child has the capacity to form their own views and recognise that she or he has the right to express them. The National Guidance stresses, that advocacy, translation or communication support may be needed in these processes.

It also highlights that implementation of Article 12 requires recognition of, and respect for, non-verbal forms of communication including play, body language, facial expressions, and drawing and painting, through which very young children demonstrate understanding, choices and preferences.

The revised Guidance includes information around the protective sharing of 'special category' data about children and adults. Such data includes racial or ethnic origin; data concerning health; sexual orientation or sex life; political opinions; religious or philosophical beliefs; trade union membership; genetic data; or biometric data (where used for identification purposes).

Special category data may be shared if this is necessary to safeguard individuals or types of individuals at risk from neglect or physical, mental or emotional harm, or in order to safeguard the physical, mental or emotional well-being of an individual, when the individual is under 18, or aged 18 or over and at risk. (A person over 18 years may be, 'at risk' if they have needs for care and support; or are experiencing, or at risk of, neglect or physical, mental or emotional harm, and as a result of those needs is unable to protect himself or herself against the neglect or harm or the risk of it: <https://www.legislation.gov.uk/ukpga/2018/12/schedule/1/paragraph/18/>)

It is clear that data processing may be carried out without the consent of the individual if it is necessary in the substantial public interest and, in the circumstances, consent to the processing cannot be given by the individual; or it is not reasonably possible to obtain the consent of the individual; or obtaining the consent would prejudice the provision of necessary protection. To ensure practitioners and agencies have access to more detailed guidance on conditions for data processing, the revised Guidance cross-refers to the ICO webpage: [What are the conditions for processing? | ICO](#) and conditions for processing special category data and data relating to criminal convictions and offences (including allegations) are specified in the DPA (2018) (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/what-are-the-substantial-public-interest>)

3.4 Explain the legal basis for the sharing with internal or external partners

The revised Guidance makes it clear that, in relation to UK Data Protection Law, the GDPR has been incorporated into UK data protection law as the 'UK GDPR', which is in force alongside the Data Protection Act 2018. [Guide to the UK General Data Protection Regulation \(UK GDPR\) | ICO](#)

Section 3.3 above outlines the approach in the National Guidance to supporting agencies in applying data protection principles within the law. In addition there are overarching duties which prescribe many of the duties and corresponding powers of relevant authorities. These include but are not limited to the following:

Duty to protect

In order for agencies to carry out their duty to protect, including data relating to Child Protection, there is a requirement for data to be processed. The legal duty to investigate and report issues in relation to child protection is derived from two sources:

- the Police and Fire Reform (Scotland) Act 2012, which provides the mandate for police officers; and
- the Children's Hearings (Scotland) Act 2011
 - sections 60-64 set out the duties and powers of local authorities, constables, courts and other persons to refer all children who may be in need of compulsory measures of supervision to the Scottish Children's Reporters' Administration
 - section 66 requires the Principal Reporter to consider whether such compulsory measures of supervision are necessary, in which case the Reporter must refer the case to the Children's Hearing under section 69.

Key Legislation

Police and Fire Reform (Scotland) Act 2012

The Police and Fire Reform (Scotland) Act 2012 lays down the duty of a Constable and the overarching policing priorities. The main purpose of policing is to improve the safety and wellbeing of persons, localities and communities in Scotland and, as such, the duty of a Constable includes the prevention and detection of crime, maintaining order, and the protection of life and property. They may take such lawful measures and make such reports to the appropriate prosecutor as may be needed to bring offenders to justice.

Children's Hearings (Scotland) Act 2011

The Children's Hearings (Scotland) Act 2011 sets out the framework for the care and protection of children by the imposition of Compulsory Measures of Supervision. The Act sets out when referrals must be made to the Children's Reporter, the mechanisms for the provision of Compulsory Measures of Supervision and the forms such measures may take. This Act also sets out the legislation governing emergency measures for the protection of children, including child protection and child assessment orders, emergency applications to justices of the peace and the powers of a constable to remove a child to a place of safety.

Children (Scotland) Act 1995

This remains one of the primary pieces of legislation providing the range and scope of local authority intervention in the lives of children and their families and the duties and responsibilities it establishes are discussed at different points elsewhere in this guidance. The duties of the local authority within this legislation are, in the main, discharged by statutory social work services.

Social Work (Scotland) Act 1968

Although amended many times over the years, this legislation provides the primary mandate for social work intervention in Scotland. It is the legislation that creates the duty under section 12 to

'promote social welfare'. While this has been added to by the Children (Scotland) Act 1995 to specify 'children in need', the overarching mandate remains that it is the duty of the local authority to ensure that such services are made available across their jurisdiction as could be considered consistent with this duty.

4. Stakeholder analysis and consultation

4.1 List all the groups involved in the project, and state their interest.

Group	Interest
Independent Care Review Scotland's Commissioner for Children and Young People Care Inspectorate Centre for Excellence for Children's Care and Protection Child Protection Committees Scotland National Child Protection Guidance Steering Group National Child Protection Leadership Group	Child Protection and protection of children's rights
Adult Protection Committees Alcohol and Drugs Partnerships Drug Recovery Commission Drug Recovery Consortium Partnership Drugs Initiative Alcohol Focus Scotland	Public Protection
Age of Criminal Responsibility Advisory Group Association of Chief Police Officers in Scotland Association of Scottish Police Superintendents Chief Constable of Police Scotland Scottish Police Federation NHS Scotland Police Care Network Her Majesty's Inspectorate of Constabulary in Scotland Children and Young People's Centre for Justice National Youth Justice Advisory Group Youth Justice Improvement Board Children's Hearings Improvement Partnership Children's Hearings Scotland Scottish Children's Reporter Administration Our Hearings Our Voice Clan Child Law Stand Up for Siblings Crown Office and Procurator Fiscal Service SACRO	Justice
Scottish Association of Social Workers; British Association of Social Workers; Social Work Scotland; Scottish Social Services Council	Social Work
Chief Executives of Local Authorities; COSLA	Local Government

SOLAR	
<p>Chief Executives of NHS Health Boards; Child Health Commissioners Directors of Public Health NHS Board Lead Clinicians NHS Health Scotland NHS Board Directors of Public Health Royal College of General Practitioners Scotland Royal College of Midwifery Royal College of Nursing Royal College for Paediatrics and Child Health Scotland Healthcare Improvement Scotland NHS Education for Scotland</p>	Health
<p>Association of Directors of Education in Scotland Education Scotland Her Majesty's Inspectorate of Education Local Authority Directors of Education Scottish Council of Independent Schools The Boarding Schools Association</p>	Education
<p>Children 1st Aberlour Barnardo's Scotland NSPCC Scotland / Childline Action for Children Action on Hearing Loss Deaf Action British Deaf Association Scotland National Deaf Children's Society Adoption and Fostering Alliance Scotland Alliance Scotland Association for Real Change (ARC Scotland) CORAM/British Association for Adoption and Fostering CAPS Independent Advocacy Central Advocacy Partners Partners in Advocacy Parents Advocacy and Rights Scottish Independent Advocacy Alliance People First Scotland Rape Crisis Scotland Scottish Commission for Learning Disability Scottish Women's Aid Victim Support Scotland CHAS Children in Scotland Coalition of Care and Support Providers in Scotland CORRA Craighalbert Centre ENABLE Scotland Quarriers</p>	Third Sector

<p>PAMIS Ministerial Advisory Group for Disabled Children and Young People The Fostering Network Scotland Safe Families for Children Scotland Families Outside Cyrenians Scotland Rock Trust Scottish Throughcare and Aftercare Forum Family Group Decision Making National Steering Group Family Rights Group, Interfaith Scotland Stop it Now Scotland Scottish Council for Voluntary Organisations Fathers Network Scotland IRISS Just Right Scotland Kibble Rossie Trust Residential subgroup – Social Work Scotland Learning Network West National Kinship Care Advice Centre Scottish Kinship Care Alliance Scottish Kinship Care Forum</p>	
<p>Edinburgh Napier University The Open University University of Bedfordshire University of Bristol University of Dundee University of Edinburgh University of Hertfordshire University of Stirling University of Strathclyde</p>	<p>Universities</p>
<p>Throughout revision of the Guidance, there has been internal engagement with other policy teams, across the following Directorates:</p> <ul style="list-style-type: none"> • Children & Families • Scottish Government Legal Directorate • Justice • Learning • Early Learning and Child Care • Chief Medical Officer • Chief Nursing Officer • Community Health and Social Care • Mental Health • Mental Health and Social Care • Population Health • Primary Care 	<p>Scottish Government</p>

Note: The list above is not an exhaustive list of contributors at different stages of engagement during revision of the National Guidance. It is difficult to separate out 'data protection' discussion and

contribution from generic discussion of child protection guidance and practice within the various forms of engagement and collaborative activity over 2 years in forming the revised Guidance.

4.2 Method used to consult with these groups when making the DPIA.

A Scottish Government National Guidance Steering Group was formed to oversee this significant redraft, and reports to the National Child Protection Leadership Group.

Development of the revised Guidance involved detailed consultation with a wide range of stakeholders, experts and organisations, as well as extensive participation from academia and the third sector. Children, young people and their families' experiences and views were sought via practitioner's individual contributions and directly from children, young people and families themselves.

Consultation on the revised Guidance opened on 21 October 2020 and closed on 31 January 2021. During the consultation period, the Steering Group undertook a series of online events. The events, aimed at child protection professionals across a variety of sectors, provided a recap on the intention of the Guidance revision, a brief overview of the revised draft guidance, and a facilitated discussion based around clusters of questions within the consultation.

Analysis of the 159 responses received has been carefully considered by the Scottish Government, the Guidance Revision Steering Group and the National Child Protection Leadership Group.

4.3 Method used to communicate the outcomes of the DPIA.

The final DPIA will be published on the Scottish Government website.

5. Questions to identify privacy issues

5.1 Involvement of multiple organisations

Scottish Government will have no direct involvement but processes within the guidance require that data is shared between statutory authorities including local authority social work and education departments, Police Scotland, NHS, Scottish Children's Reporter Administration, Children's Hearings Scotland, and service providers in the third sector.

Statutory authorities and other service providers involved in child protection will ensure that all data processed will be in compliance with data protection legislation and staff will be trained to ensure compliance with their organisation's information management and information sharing processes and procedures.

5.2 Anonymity and pseudonymity

Statutory authorities will not share any personal data with partners without the data subjects' express consent unless they are under a legal obligation to do so (see 5.5).

5.3 Technology

Statutory authorities and other service providers will apply their own information management processes to the data processed and shared electronically.

5.4 Identification methods

Statutory authorities and other service providers will apply their own information management processes to the data processed for this purpose.

5.5 Sensitive/Special Category personal data

Data Protection Act 2018

Part 2, Chapter 2, Section 8 Lawfulness of processing: public interest etc

In Article 6(1) of the UK GDPR (lawfulness of processing), the reference in point (e) to processing of personal data that is necessary for the performance of a task carried out in the public interest or in the exercise of the controller's official authority includes processing of personal data that is necessary for—

- (a) the administration of justice,
- (b) the exercise of a function of either House of Parliament,
- (c) the exercise of a function conferred on a person by an enactment or rule of law,
- (d) the exercise of a function of the Crown, a Minister of the Crown or a government department,
or
- (e) an activity that supports or promotes democratic engagement.

Schedule 1, Part 2, Section 6

Substantial Public Interest Conditions

Statutory etc and Government Purposes

6(1) This condition is met if the processing—

- (a) is necessary for a purpose listed in sub-paragraph (2), and
- (b) is necessary for reasons of substantial public interest.

(2) Those purposes are—

- (a) the exercise of a function conferred on a person by an enactment or rule of law;
- (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.

Schedule 1, Part 2, Section 18

Safeguarding of Children and of Individuals at Risk

18 (1) This condition is met if—

- (a) the processing is necessary for the purposes of—
 - (i) protecting an individual from neglect or physical, mental or emotional harm, or
 - (ii) protecting the physical, mental or emotional well-being of an individual,
- (b) the individual is—
 - (i) aged under 18, or
 - (ii) aged 18 or over and at risk,
- (c) the processing is carried out without the consent of the data subject for one of the reasons listed in sub-paragraph (2), and
- (d) the processing is necessary for reasons of substantial public interest.

(2) The reasons mentioned in sub-paragraph (1)(c) are -

- (a) in the circumstances, consent to the processing cannot be given by the data subject;
- (b) in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing;
- (c) the processing must be carried out without the consent of the data subject because obtaining the consent of the data subject would prejudice the provision of the protection mentioned in sub-paragraph (1)(a).

5.6 Changes to data handling procedures

Scottish Government will not process any personal data for the purpose of implementing the revised Guidance.

Statutory authorities and other service providers will ensure that all data processed will be in compliance with data protection legislation and follow their own information management processes.

Statutory authorities and other service providers will ensure that there are processes for enabling any individual wishing to access their personal data to do so. The authorities will not share any personal data with external partners without the data subjects' express consent unless they are under an legal obligation to do so.

5.7 Statutory exemptions/protection

Where there may be a child protection concern, information may be lawfully shared among statutory authorities without the need for consent to be given by the individual(s) to whom the information relates (see 3.3 and 5.5 above).

5.8 Justification

Substantial Public Interest Conditions / Safeguarding of Children at Risk

5.9 Other risks

There are no other risks to privacy that are not covered by the questions above.

6. General Data Protection Regulation (GDPR) Principles

Principle	Compliant – Yes/No	Description of how you have complied
6.1 Principle 1 – fair and lawful, and meeting the conditions for processing	Yes	<p>Please see section 3.4. Data controllers should always be transparent and fair with how they use the data, with particular concern given to the sensitive nature or context of it.</p> <p>In certain circumstances data may, if the responsible data controller deems appropriate in the given situation, be transferred under the 'public task' or 'vital interests' bases, or with the written consent of the individual or their legal guardian, where that consent is "fully informed" and deemed valid.</p>
Principle	Compliant – Yes/No	Description of how you have complied
6.2 Principle 2 – purpose limitation	Yes	The information collected and shared by statutory authorities will only be what is necessary to provide the protection that the child requires.

Principle	Compliant – Yes/No	Description of how you have complied
6.3 Principle 3 – adequacy, relevance and data minimisation	Yes	The information processed will be proportionate to what is necessary to provide the protection that the child requires.
Principle	Compliant – Yes/No	Description of how you have complied
6.4 Principle 4 – accurate, kept up to date, deletion	Yes	Any inaccurate data in statutory authorities' documentation will be corrected or removed at the data subject's request.
Principle	Compliant – Yes/No	Description of how you have complied
6.5 Principle 5 – kept for no longer than necessary, anonymization	Yes	The data will only be kept for as long as outlined in statutory authorities data retention policies, and anonymized where required.
Principle	Compliant – Yes/No	Description of how you have complied
6.6 UK GDPR Articles 12-22 – data subject rights	Yes	Statutory authorities will have procedures in place to ensure data subjects are able to exercise their rights as required by data protection legislation.
Principle	Compliant – Yes/No	Description of how you have complied
6.7 Principle 6 - security	Yes	Statutory authorities will have appropriate security measures in place to protect personal data as required by legislation.
Principle	Compliant – Yes/No	Description of how you have complied
6.8 UK GDPR Article 44 - Personal data shall not be transferred to a country or territory outside the European Economic Area.	Yes	Statutory authorities will be bound to comply with data protection legislation and will not share or transfer personal data, stored within their information management systems, to a country or territory outside the EEA.

7. Risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

Risk	Ref	Solution or mitigation	Result
The Scottish Government has no control over statutory authorities and service providers'		Reliance that statutory authorities and service providers adhere to all relevant data protection legislation.	Accept

information management systems.			
The Scottish Government has no control over information sharing amongst statutory authorities and other service providers		<p>Reliance on statutory authorities and service providers that</p> <ol style="list-style-type: none"> 1. their staff are trained to ensure compliance with their responsibilities. 2. They are aware that further information may be sought via the ICO's Data Sharing Code of Practice: https://ico.org.uk/for-organisations/data-sharing-a-code-of-practice/ 	Accept
Management of correspondence related to child protection by the Scottish Government which contains personal information		Scottish Government staff will adhere to all relevant data protection legislation and follow internal processes. Mandatory data protection training is undertaken annually.	Accept

8. Incorporating Privacy Risks into planning

Explain how the risks and solutions or mitigation actions will be incorporated into the project/business plan, and how they will be monitored. There must be a named official responsible for addressing and monitoring each risk.

Risk	Ref	How risk will be incorporated into planning	Owner
Data processed by organisations in the implementation and use of the revised Guidance	PR1	<p>Advice to statutory authorities and service providers that their information management processes must adhere to all relevant data protection legislation.</p> <p>The distinct regimes for inspection of statutory and care services all have distinct responsibilities in relation to consideration of the lawful processing of information, including within child protection processes. The Care Inspectorate has a core role in relation to multi agency care and protection as referenced in but unchanged by this Guidance.</p> <p>All agencies involved in child protection are accountable for internal responsibilities in terms of self-evaluation of systems and practice, including in relation to data protection and processing of</p>	

		<p>information as referenced in but unchanged by this Guidance.</p> <p>Arrangements for designated officers responsible for oversight of systems, practice and relevant inter-agency information sharing agreements are required as referenced in but unchanged by this Guidance.</p> <p>The Scottish Public Services Ombudsman (SPSO) functions in the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments, and most Scottish authorities, continues unchanged by this Guidance</p> <p>Specific national developments (for example in relation to Learning Reviews; a National Dataset; the Child Death Review Hub; the National Joint Investigative Interview programme etc.) will be sources of evaluative data.</p>	
<p>Incorrect information sharing in situations deemed to be wellbeing concerns rather than child protection</p>	<p>PR2</p>	<p>Advice to statutory authorities and service providers that their staff must be appropriately trained and supported to ensure compliance with their responsibilities.</p> <p>While this Guidance references training expectations 84 times and devotes a whole section on single agency and collaborative agency responsibilities, referencing, for example national guidance for Chief Officers and Child Protection Committees, the monitoring and evaluation of inter-agency child protection including the component of lawful information sharing goes beyond the potential prescription of this Guidance. Implementation, development, evaluation and strategic review will be necessary as directed by Ministers. Planning of the facets of implementation will be considered by an implementation steering group for the Guidance.</p>	

9. Data Protection Officer (DPO)

The DPO may give additional advice, please indicate how this has been actioned.

Advice from DPO	Action

10. Authorisation and publication

The DPIA report should be signed by your Information Asset Owner (IAO). The IAO will be the Deputy Director or Head of Division.

Before signing the DPIA report, an IAO should ensure that she/he is satisfied that the impact assessment is robust, has addressed all the relevant issues and that appropriate actions have been taken.

By signing the DPIA report, the IAO is confirming that the impact of applying the policy has been sufficiently assessed against the individuals' right to privacy.

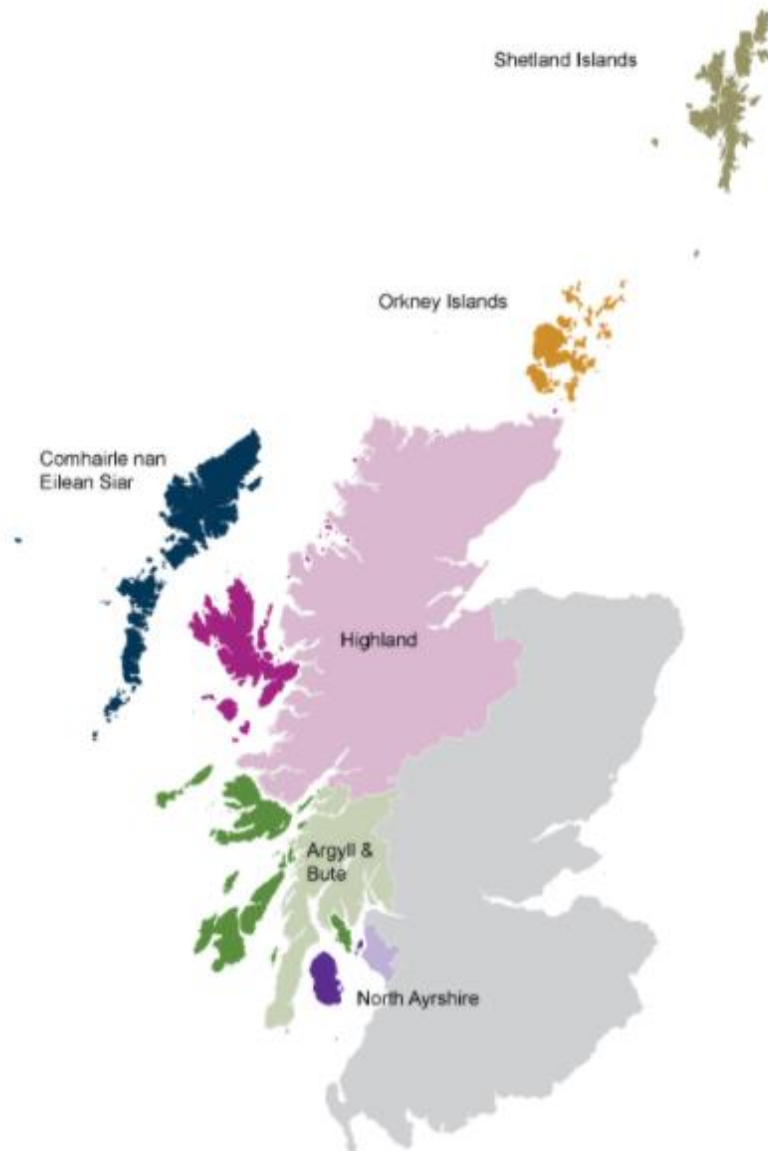
The results of the impact assessment must be published in the eRDM with the phrase "DPIA report" and the name of the project or initiative in the title.

Details of any relevant information asset must be added to the Information Asset Register, with a note that a DPIA has been conducted.

I confirm that the impact of (undertaking the project/applying the policy – add appropriate wording) has been sufficiently assessed against the needs of the privacy duty:

<p>Name and job title of a IAO or equivalent</p> <p>Lesley Sheppard DD: Children's Rights, Protection and Justice</p>	<p>Date each version authorised</p> <p>28/7/21</p>
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Island Communities Impact Assessment (ICIA) July 2021



(Source: [SPICe briefing 2017 - Islands \(Scotland\) Bill](#))

Background to the National Guidance for Child Protection in Scotland

The safety and wellbeing of children, including unborn babies and young people up to the age of 18, is a key priority for the Scottish Government. Physical and emotional safety is fundamental to a child's wellbeing and healthy development and our children have the right to be protected from all forms of harm and abuse.

We are committed to working with parents and families, carers, professionals and communities to ensure this. The National Guidance for Child Protection in Scotland is core to those efforts and provides a common framework that underpins practice across services and disciplines.

Following the commencement of the provisions of the Children and Young People (Scotland) Act 2014⁴, the Scottish Government published non-statutory National Child Protection Guidance in Scotland in the same year⁵, to offer encouragement and support to the changes in procedure and process to ensure readiness for the new duties.

The current version of the National Guidance for Child Protection in Scotland was published in May 2014, updating a comprehensive 2010 rewrite of a 1998 version. In 2017 the Child Protection Improvement Programme⁶ (CPIP) recommended updating aspects of the 2014 Guidance. Subsequently the Government committed in their 2019/20 Programme for Government that revised National Guidance for Child Protection in Scotland (**hereinafter "the Guidance"**) will be published to ensure it is consistent with the legislative and policy framework as well as current practice developments.

The independently chaired Child Protection Systems Review, published in 2017, recommended that a National Child Protection Leadership Group be established to support, strengthen and improve, from a national perspective, activity on child protection across Scotland. CPIP is overseen by the Scottish Government's National Child Protection Leadership Group.

A Scottish Government National Guidance Steering Group provided oversight of this significant revision of the Guidance, with its membership representing leadership in key stakeholders' organisations and policy areas. This Steering Group reported to the National Child Protection Leadership Group throughout the development of the revised Guidance.

The Steering Group worked closely with partners from across education, social work services, health, police, justice, and the third sector in the development of this revision, as well as seeking the views and input of children and families. The National Guidance reflects a determination to engage with families, to seek to work

⁴ Children and Young People (Scotland) Act 2014
<https://www.legislation.gov.uk/asp/2014/8/contents/enacted>

⁵ National Guidance for Child Protection in Scotland 2014 <https://www.gov.scot/publications/national-guidance-child-protection-scotland/pages/2/>

⁶ Child Protection Improvement Programme
<https://www.gov.scot/policies/child-protection/child-protection-improvement-programme/>

in partnership to safeguard children from harm, and to ensure that they receive the necessary support if they have been harmed.

This revision takes full account of policy and legislative developments, and reflects thinking across a range of areas. It incorporates the understanding of best practice from various sources, including practitioner and stakeholder experience, inspections, research, and learning from Significant Case Reviews (SCRs).

The broad objectives of this revision are to:

- ensure children's rights and voices are central to child protection
- underline the critical need to engage with families to offer support and reduce risk of harm
- support consistency in understanding about key processes when agencies must work together to prevent and respond to significant harm to reduce unwarranted variation
- integrate essential changes in legislation and national guidance
- reference key policy, research and practice developments and sources

The intended outcomes of this revision are to:

- support a reduction in the incidence of significant harm to children and of child death in Scotland
- improve professional inter-agency practice, supervision, management, training and development
- promote a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities
- support a context in which children and young people receive a more consistent approach to care and protection

Coherence with the wider strategic landscape

The Guidance frames child protection within the context of the wider strategic landscape. Its development has highlighted challenges and pre-existing tensions in: ensuring that sufficient resource is available to prioritise holistic support for all families; and that a stronger emphasis on prevention and early help does not draw families unnecessarily into child protection processes.

We have focused efforts over recent years on taking a whole system approach and working collaboratively to design and deliver public services that are responsive to the needs of children and families, and that are focused on prevention and early offers of support. When Getting it right for every child (GIRFEC) is put into practice fully, we know it works well and makes a positive difference. However, we know that there are barriers to its delivery, and that we need to focus on closing the implementation gap. The Promise highlights a significant gap between our aspirations and reality, and identifies the need for a fundamental shift in how decisions are made about children and families in Scotland.

With so much change ahead, we need to ensure we proceed with strategic coherence, within Scottish Government as well as with our partners at national and local levels, including the important role of Children's Services Planning

Partnerships. The development of a Wellbeing Outcomes Framework for Children and Families will have a part to play in providing that coherence. There is a strong appetite to innovate, using learning from the ways that services have adapted during the Coronavirus (COVID-19) pandemic.

Introduction to the Island Communities Impact Assessment

The Islands (Scotland) Act 2018 (“Islands Act”) places a duty on the Scottish Ministers and other relevant authorities, including a number of public authorities, to have regard to island communities in exercising their functions. This duty is often referred to as ‘island-proofing’.

Island communities have unique needs and this impact assessment enables identification of how elements of the revised Guidance can be shaped to meet such needs. It is recognised that it can be more difficult to access public services, particularly specialist services, on an island. The consequences of geography can create particular problems for island communities, including a higher general cost of living which can lead to higher levels of poverty⁷⁸⁹, as well as more expensive and more complex transport options and poorer internet connection. There are also demographic concerns, including a smaller workforce population¹⁰, and social and cultural issues¹¹, such as shortage of appropriate and affordable housing, dispersed deprivation, and social exclusion¹². Recruitment of suitably qualified and experienced staff can also be a significant challenge alongside the need to support incoming staff in their new environment. All of these issues can exacerbate the problems and inequalities faced by already vulnerable children and families.

Engagement process

Development of the Guidance involved detailed consultation with a wide range of stakeholders, experts and organisations, including practitioners from island communities. There was extensive participation from over 150 public and third sector organisations, with interests in child protection and protection of children’s rights, public protection, social work, local government, police, justice, education, health, third sector and academia, as well as consultation with appropriate Scottish Government policy areas.

Children, young people and their families’ experiences and views, including those of parents with learning difficulties, were sought via practitioners’ individual contributions and directly from children, young people and families themselves. The Promise Report by the Independent Care Review has also been carefully considered in the drafting of the Guidance to ensure alignment whilst acknowledging the long term ambition for the Promise to be realised.

⁷ [Outer Hebrides Anti-poverty Strategy 2019-2024](#)

⁸ [Shetland Islands Council Corporate Plan 2021-26](#)

⁹ [Orkney Local Child Poverty Action Report 2019-2020](#)

¹⁰ [OHCPP Integrated Childrens Services Plan 2020-2023](#)

¹¹ [Orkney’s Children’s Services Action Plan 2017- 2020](#)

¹² [Shetland’s Integrated Children’s Service Plan 2017-2020](#)

Consultation directly with professionals living and working in island and rural communities provided insight into some of the challenges of preventative and protective work faced by them.

On Shetland, meetings took place with a range of professionals in order to ensure that the revised Guidance respects some of the challenges in such communities. Lived experience of child protection on Shetland was taken into account throughout, including the opportunity for a direct family meeting. Those who contributed individually and collectively have included:

- Child and Adult Protection Lead Officer and support staff
- Children and Families Social Work Executive Manager, Team leader (Duty and Intake Team), and social workers
- Criminal Justice Executive Manager and Acting Chief Social Work Officer
- Children's Services (Schools) Quality Improvement Manager
- Director of Children's Services
- NHS Shetland representatives for child protection, child and adolescent mental health service (CAMHS), midwifery, health visiting, sexual health/forensic sexual assault services
- Independent Child Protection Case Conference Chair and Independent LAAC Reviewing Officer
- Police Scotland, including child protection lead and colleagues
- Chair of the Child and Adult Protection Committee

A similar set of meetings was offered for Orkney. However, a different listening process took place with key staff involved in leadership roles in child protection, to suit their needs and circumstances.

In the Western Isles, the Chief Social Work Officer was amongst the first to be consulted when the revision work on the Guidance began. He has remained in dialogue throughout, latterly arranging an online consultation event with all relevant staff, as noted below.

Formal Scottish Government consultation

Public consultation on the draft guidance took place between 21 October 2020 and 31 January 2021. A total of 159 consultation responses were received from a wide range of organisations and individuals. The number and diversity of respondents is a welcome sign that protecting children is increasingly seen as everyone's responsibility. In addition to the public consultation, seven virtual stakeholder engagement events were held during November and December 2020.

These events provided an opportunity to hear views from Child Protection Committee members, with a facilitated discussion structured around the consultation questions. Two events were held in December 2020 specifically for Chief Social Work Officers (CSWOs) in the Highlands and Islands, and with Comhairle nan Eilean Siar.

Analysis of the consultation responses and the feedback from the engagement events have been carefully considered by the Scottish Government, the National Guidance Steering Group and the National Child Protection Leadership Group.

This Island Communities Impact Assessment is an output from this engagement which, aligning with requirements of the Islands Act, identifies and assesses the key impacts of the revised Guidance and identifies measures which best support its implementation across island communities in Scotland.

Key findings

Overview

The revised Guidance is non-statutory. We have been asked to clarify our expectation in relation to the alignment between national and local guidance and the degree of variability in how local areas engage and use this resource.

All children must have their rights to support, protection and recovery from trauma upheld, and should be able to expect a consistent standard of public service irrespective of where they live.

Our intention is to support greater consistency in what children and families can expect in terms of support and protection in all parts of Scotland through the implementation of this guidance. However, we recognise that local structures and protocols must be attuned to local conditions and demands. This may necessitate some flexibility in how the guidance is implemented locally, to take account of this context and need.

In combination, engagement has emphasised that generalising about ‘the islands’ may disguise significant differences in accessibility, resource, culture, and need. As with every child and every family, although there may be high level generalisations, every challenge must be considered in context and at a certain point in time.

There are general challenges when change is being encouraged within the revised Guidance or required by legislation linked to child protection. It will be essential to review and be realistic about accessibility of services, availability of staff and building resource, and about levels of demand for service based on models of implementation derived from Scotland’s central belt.

For example, the revision of the Guidance has surfaced discussion about how the national programme for the Scottish Child Interview Model (SCIM) for Joint Investigative Interviewing will work for the islands, and how the SCIM and some of the components of the Age of Criminal Responsibility (Scotland) Act 2020 will be implemented. The Guidance cannot resolve delivery issues; however, delivery must be crafted in such a way that child-centred expectations are consistent whilst recognising that strategic flexibility may be required around some structural components of process. The revised Guidance will be clear about principles but the adaptation of local inter-agency protocols will be a matter for local leadership, Chief Officers and Child Protection Committees, to ensure that they are realistic, safe and fit for delivery of service in context. However, it is recognised that implementation is

a matter that may require closer examination by Scottish Government on an ongoing basis, particularly on the basis of equity of access to Investigative Interviews for children on the islands and in consideration of the development of access to a Bairns' Hoose for every child victim/witness by 2025.

It should be noted that the topics that became 'headings' in Part 4 of the revised Guidance were all, in one way or another, prompted or strengthened by conversations with island stakeholders. However, the Part 4 headings are not specifically about the islands and there has been a decision not to create an artificial subsection of the Guidance that endeavours to capture differences in the islands.

The requests for more practice guidance within the revised Guidance cannot be met as it is not a comprehensive practice manual. There has however been interest in a series of linked practice insights, which provide perspectives on good (or concerning) practice in relation to specific topics. Encouraged by these discussions, work was undertaken on a series of such insights.

Experiences and views were gathered through practitioners and through direct engagement with children, young people and families. As well as being incorporated into the guidance itself, these views have informed the development of this series of practice insights, which will be published alongside the Guidance. A practice insight on island communities is being considered.

Limited access to specialist resources / transport issues

The lack of reasonable proximity to specialist resources, including specialist agencies and premises, was highlighted during the engagement process. This was especially a challenge for partners working in more remote island communities, and can be exacerbated by limited transport options. For example, in situations of domestic abuse, places of safety may be hard to find for adults and children when there is insufficient evidence to hold a perpetrator.

Additionally, transport and access to resources for support may be limited for victims, while reduced travel alternatives may lead to victims and perpetrators being on the same transport. It was also noted that facilities for forensic medical examinations are not on the islands and this can lead to arrangements that are not often child or victim centred. It is recognised that this is a long-standing issue that may require additional assistance from Scottish Government to find a pathway that does not inadvertently disadvantage or further traumatise children on the islands that require such services.

Concern was raised in relation to the shift from current practice to the specified processes and procedures within the revised Guidance, and the potential effect on meeting timescales. Therefore, a degree of flexibility may be needed in relation to implementation of some processes detailed in the revised Guidance, for example in relation to improvements in medical examination and health assessment, joint investigative interviewing, implementation of age of criminal responsibility, as well as inter-agency referral processes when interaction with mainland agencies is required. Details of the implementation of these processes should be considered within impact assessments prepared specifically in relation to their delivery.

Smaller pool of practitioners / geography

The challenges associated with delivering the range of services and approaches detailed within the revised Guidance are clearly affected by the reality of a smaller pool of child protection professionals, across all services, which can be exacerbated due to the geography of the islands. There is therefore an ongoing need for clarity about roles and reasonable expectations between partner agencies, and for open discussion about different services' perceptions around risk, responsibilities and thresholds for intervention.

Practitioners from inside the community may face the challenge of a dual role where they have both personal/familial and professional boundaries to keep when managing a child protection issue. The way that this could affect professional judgement requires constant reflection and, as appropriate for each profession or role, supervision and support. Additionally, professionals can carry a range of roles and responsibilities in addition to their substantive post. Again, reflective practice and good supervision could help in management of such issues, as emphasised in Part 2 of the revised Guidance. It was also noted that the monitoring of concerning situations by practitioners and the provision of support presents more of a challenge over distance. In such cases, outreach work could be investigated alongside consideration of the potential impact on continuity of such support.

Additionally, accessing training for staff across agencies is very expensive and time consuming unless the training takes place on the island. Freeing staff up for training is often difficult because there are few staff covering remote areas, whilst extensive travel time may be required, often far in excess of the time spent in training. This could provide opportunity for a local specialist to adapt materials, although the pandemic has seen how creative agencies can be in managing training and development by moving online.

There is also the added concern that practitioners from outside the community may not be welcome, which can lead to lack of engagement from families as well as potentially presenting recruitment issues.

One of the lessons from discussion with professionals on the islands has been to respect and build on existing strengths, teamwork and creativity within small staff pools in the prevention of harm and protection of children from harm. There may be a need to sustain and build on task specific skills, and many of the components of the revised Guidance reflect what island consultees indicated would be useful. These have significant overlap with mainland comments including information sharing; support for children experiencing neglect; impact of poverty; the child's experience behind adult problems; interaction between technology-assisted and direct abuse; parental capacity to change; the context of abuse beyond the family; strength based approaches; use and components of inter-agency referral discussions; risk in transitional phases; and overall a greater emphasis on collaboration with families, building on the GIRFEC practice model.

Social / Cultural factors

For children and families who are under stress or affected by various harms, there can be the experience of being 'isolated in plain sight', partly due to the dynamics that can occur in a wide variety of communities and/or institutions and/or networks. Within the revised Guidance, care has been taken not to generalise, while recognising that communities, and many of their inherent strengths, can be a mainstay of child, parental and family resilience and meaning. Parts 2 and 4 of the revised Guidance recognises that the opposite can occur, with standard expectations detailed around child protection and safeguarding roles.

Due to the smaller communities on islands, privacy and confidentiality issues often arise and single incidents can quickly become known to a network. Maintaining confidentiality can be a challenge and victims may feel more constrained in relation to feeling able to speak up.

In particular, victims of domestic abuse may feel they will lose everything – home, community, income – as they may have to leave the island with disruptive consequences for children. The pandemic presented further problems for victims of domestic abuse as access to privacy to call for help was more of a challenge. However, there is potential that new protective domestic abuse orders could be key to ensuring safety for those at risk, including children, in an aim to keep families safe and together in their own home.

It is recognised that faith and culture is a resilience factor in many ways within island communities. However, care should be taken to ensure that a dynamic of secrecy around known experience of harm does not evolve, as it can in any organisation, community or group where there is anxiety about the consequences, including of loss of control beyond the family or group.

Stigma is also a powerful disincentive to seeking and working with the support which may be available. This may be a factor in safeguarding and protecting lesbian, gay, bisexual, transgender and intersex (LGBTI) young people, as gender stereotyping may be strong.

There are also language considerations in communities where Gaelic is spoken and this is relevant to investigation, support, planning, advocacy, legal representation, partnership etc. These will be considered during the implementation stage.

Communications / online infrastructure

The increased need to connect online, as well as by phone, and networking with professionals and agencies beyond the islands, is recognised. In addition, virtual connection with individuals and families is possible where internet connection allows. However, this is not equally accessible: some individuals are not comfortable in engaging virtually or experience difficulty in having privacy to engage, and some connections are affected by adverse weather.

Nonetheless, the pandemic has seen how creative agencies can be in enabling engagement where face-to-face support was restricted, particularly with young

people who may have felt more comfortable with online engagement. Managing online contact therefore should be considered on a case-by-case basis, taking the above factors into account.

A positive impact identified via stakeholder engagement in Shetland found that it was easier to 'pick up the 'phone and talk it through' with partners in other, possibly remote, areas. This prompt, thorough and persistent response is indicative of a culture of immediate co-operation.

Conclusion

Engagement with child protection professionals working in island communities has identified that policy and approaches developed within the revised Guidance should be shaped to meet the needs and realities of island life, in terms of developing and refreshing local guidance. There is potential for different islands requiring bespoke approaches, especially remote island communities.

Tensions between national expectation and local delivery will require analysis, planning, resource and review. Inspection processes will continue to contribute to continual improvement on key issues. The revised Guidance cannot always immediately address the array of developments necessary in the ever-changing landscape of child protection; however, it has potential to be a catalyst for realistic support for collaborative development. The revised Guidance may raise attention around the need for resource, partnership and improvements in governance, in specific areas of practice but it is not for this assessment to pre-empt this need. Nonetheless, the way in which it is framed should assist in setting expectations in a way that does not create systemic difficulties.

Therefore the revised National Guidance can and should be used flexibly and responsively to develop and implement local guidance that recognises and takes account of the challenges experienced across the variety of island communities. This should support local processes and practice that best meets the needs and unique circumstances of children living on the islands that are at risk and in need of protection, while broadly consistent with processes and practice on the mainland.

Monitoring and review

The Scottish Government is committed to periodic and collaborative review of policy, guidance, legislation and references contained within the National Guidance for Child Protection to ensure currency. Co-ordination of this task rests within the Scottish Government Child Protection Unit and will include a review of the impact assessments.

This draft document is an initial assessment of the impact of the revision of the National Guidance for Child Protection in Scotland and the Scottish Government will continue to review and update this document as required during the implementation process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with impact assessments developed in parallel, including:

- Equality Impact Assessment (EQIA)
- Children's Rights and Wellbeing Impact Assessment (CRWIA)
- Data Protection Impact Assessment (DPIA)
- Business and Regulatory Impact Assessment (BRIA)

Publishing

This impact assessment will be published on the Scottish Government website.

Accountability

A review of this impact assessment can be requested in terms of The Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020.

ICIA completed by: Lindsay MacDougall

Position: Acting Head, Child Protection Unit

Date completed: July 2021

ICIA approved by: Lesley Sheppard

Position: Deputy Director: Children's Rights, Protection and Justice

Date approved: 28/7/21

Signature:

A handwritten signature in black ink that reads "L A Sheppard". The signature is written in a cursive style with a large initial 'L' and 'A'.

**Scottish Government
July 2021**

Child Rights and Wellbeing Impact Assessment (CRWIA)

CRWIA Stage 3

CRWIA for a non-legislative policy/measure

CRWIA title: National Guidance for Child Protection in Scotland 2021

Publication date: September 2021

Summary of policy aims and desired outcomes

The safety and wellbeing of children, including unborn babies and young people up to the age of 18, is a key priority for the Scottish Government. Physical and emotional safety is fundamental to a child’s wellbeing and healthy development and our children have the right to be protected from all forms of harm and abuse.

We are committed to working with parents and families, carers, professionals and communities to ensure this. The National Guidance for Child Protection in Scotland is core to those efforts and provides a common framework that underpins practice across services and disciplines.

The broad objectives of this revision are to:

- ensure children’s rights and voices are central to child protection
- underline the critical need to engage with families to offer support and reduce risk of harm
- support consistency in understanding about key processes when agencies must work together to prevent and respond to significant harm to reduce unwarranted variation
- integrate essential changes in legislation and national guidance
- reference key policy, research and practice developments and sources

The intended outcomes of this revision are to:

- support a reduction in the incidence of significant harm to children and of child death in Scotland
- improve professional inter-agency practice, supervision, management, training and development
- promote a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities
- support a context in which children and young people receive a more consistent approach to care and protection

Executive summary	<p>The safety and wellbeing of children, including unborn babies and young people up to the age of 18, is a key priority for the Scottish Government. Physical and emotional safety is fundamental to a child's wellbeing and healthy development and our children have the right to be protected from all forms of harm and abuse.</p> <p>We are committed to working with parents and families, carers, professionals and communities to ensure this. The National Guidance for Child Protection in Scotland 2021 is core to those efforts and provides a common framework that underpins practice across services and disciplines.</p> <p>The Guidance describes the responsibilities and expectations of everyone who works with, or comes into contact with children and young people, families and carers in Scotland. It sets out how agencies should work together with children and young people, families, carers and communities to protect children and young people from abuse, neglect and exploitation and replaces the 2014 National Guidance.</p> <p>This revision of the Guidance will be published in the context of the Scottish Government's support for incorporation of the UN Convention on Rights of the Child (UNCRC) in Scots law. Convention Rights are inter-related and interdependent and the Guidance emphasises that rights to protection from abuse, neglect and exploitation are inextricable from consideration of best interests and rights in relation to participation, non-discrimination, survival, recovery, parental support, and support for healthy development.</p> <p>Whilst the Guidance is aligned with the current context in which practitioners are working, it is also consistent with the ambitions of The Promise and anticipates and prepares for the changes in the years ahead. This includes a greater emphasis on ensuring that a child's views are taken into account in all decision-making that affects them, and supporting practice that recognises and builds on strengths as well as addressing risk, working in partnership with families and communities. A necessary shift in practice that supports the least intrusive and most supportive levels of intervention at all stages.</p> <p>The Guidance also sets out the relationship between GIRFEC and contextual safeguarding, illustrating that these approaches are not distinct, but are in fact mutually supportive, situating a child within their wider world.</p>
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Background	<p>Following the commencement of the provisions of the Children and Young People (Scotland) Act 2014¹³, the Scottish Government published non-statutory National Child Protection Guidance in Scotland in the same year¹⁴, to offer encouragement and support to the changes in procedure and process to ensure readiness for the new duties.</p> <p>The current version of the National Guidance was published in May 2014, updating a comprehensive 2010 rewrite of a 1998 version. In 2017 the Child Protection Improvement Programme¹⁵ (CPIP) recommended updating aspects of the 2014 Guidance. Subsequently the Government committed in their 2019/20 Programme for Government that revised National Guidance for Child Protection in Scotland (hereinafter “the Guidance”) will be published to ensure it is consistent with the legislative and policy framework as well as current practice developments.</p> <p>The independently chaired Child Protection Systems Review, published in 2017, recommended that a National Child Protection Leadership Group be established to support, strengthen and improve, from a national perspective, activity on child protection across Scotland. CPIP is overseen by the Scottish Government’s National Child Protection Leadership Group.</p> <p>Public consultation on the draft Guidance took place between 21 October 2020 and 31 January 2021. A total of 159 consultation responses were received from a wide range of organisations and individuals. The number and diversity of respondents is a welcome sign that protecting children is increasingly seen as everyone’s responsibility. In addition to the public consultation, seven virtual stakeholder engagement events were held during November and December 2020. These events provided an opportunity to hear views from Child Protection Committee members, with a facilitated discussion structured around the consultation questions.</p> <p>Analysis of the 159 responses received and feedback from the engagement events have been carefully considered by the Scottish Government, the Guidance Revision Steering Group and the National Child Protection Leadership Group.</p> <p>The vast majority of responses were very positive proposing a range of mainly constructive suggestions for revision and improvement.</p>
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¹³ Children and Young People (Scotland) Act 2014
<https://www.legislation.gov.uk/asp/2014/8/contents/enacted>

¹⁴ National guidance for child protection in Scotland 2014
<https://www.gov.scot/publications/national-guidance-child-protection-scotland/pages/2/>

¹⁵ Child Protection Improvement Programme
<https://www.gov.scot/policies/child-protection/child-protection-improvement-programme/>

<p>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>In general terms, the protection of children and young people includes unborn babies and all children and young people under the age of 18 years. It is recognised that a complex range of legislation applies for 16-17 year olds.</p> <p>Child protection issues can affect children and young people from all backgrounds and from all communities. Child Protection requires to be seen in the context of the wider “Getting it right for every child (GIRFEC) approach, the Early Years Framework and the UN Convention on the Rights of the Child. GIRFEC promotes action to improve the wellbeing of all children and young people in the following wellbeing indicators: Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included and Safe (primary indicator).</p> <p>Whilst the aim of the Guidance is to impact and benefit all children and young people in Scotland, it will have the most significance to the following groups:</p> <ul style="list-style-type: none">• disabled children and young people• looked after children• all children coming into contact with the child protection system by dint of concerns about abuse, neglect, exploitation and violence <p>The Guidance will also have the most significant impact on children where areas of specific concern apply, including children and young people:</p> <ul style="list-style-type: none">• being at risk of, or experiencing physical, emotional or persistent neglect, physical or emotional abuse and/or other harms• experiencing harm as a result of contributory factors such as domestic abuse, parental alcohol and drug use, isolation, poverty, chronic or acute health problems and severe housing stress• displaying behaviours of concern such as physical, emotional, behavioural, educational or relational• experiencing poverty and its intersected stressors• of parents and carers with learning disabilities• experiencing mental health problems and its contributory factors• who are impacted by mental health or health problems of parents and carers• who pose risks to themselves and others• affected by suicide and self-harm and its accumulation and interaction of vulnerabilities and experiences• experiencing domestic abuse, emotional and psychological harm and / or abuse between young people• experiencing abduction• where obesity is a cause for escalating concerns about risk of harm
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	<ul style="list-style-type: none"> • at risk of or experiencing child sexual abuse or child sexual exploitation • at risk of or experiencing trafficking and/or being criminally exploited • who are unaccompanied and asylum seeking • who run away or who are missing • at risk of or experiencing internet-enabled sexual offending • who display harmful sexual behaviour or experience harmful sexual behaviour from other children and young people • at risk of or experiencing sexual abuse between siblings • at risk of or participating in under age sexual activity • undergoing re-unification or 'returning home' • experiencing repeat removal from the care of their parents or carers • in transitional phases • experiencing bullying • impacted by hate crime • who are vulnerable of being drawn into terrorism • at risk of or experience complex abuse and related contributing factors • at risk of or experiencing female genital mutilation • at risk of or experiencing honour-based abuse and forced marriage • at risk of or experiencing fabricated or induced illness • at risk of or experiencing child abuse linked to faith and belief <p>Additional groups to which the National Guidance will apply include:</p> <ul style="list-style-type: none"> • instances of sudden unexpected death in infants and children • children and families in the Defence Community • child protection in the context of disasters and public emergencies • historical (non-recent) reports of abuse <p>Whilst the National Guidance for Child Protection in Scotland is relevant to all children and young people in Scotland, it will impact most directly on children who come into contact with the child protection system, including those children who are Looked After and those on the Child Protection Register.</p>
<p>Children and young people's views and experiences</p>	<p>The voice of the Child and Young Person was recognised as essential in the review of the Guidance and presented an opportunity to capture current examples of best practice in children and young people's participation in child protection processes in various contexts and to embed these principles throughout the Guidance.</p> <p>The revision also builds on a range of relevant consultation and publications, which feed in to the content. The robust messages from children as expressed in the Children's Charter are reiterated in the Introduction. The consultation in relation to Advocacy in the Children's Hearings system which preceded the revision of the</p>

	<p>Guidance is referenced alongside messages from children who have experienced domestic abuse, as expressed in the Everyday Heroes reports¹⁶ of 2018.</p> <p>As the Guidance describes the framework for all those working with children and families to safeguard and promote their wellbeing, children and young people’s views and experiences were sought and included in a range of ways.</p> <p>Best practice in engaging with children, young people and families has been captured and principles embedded throughout. The views of children, young people and families have been gathered and incorporated in a range of ways. Development of the Guidance has involved consultation with a range of organisations that support children, young people and families. The Promise has been carefully considered and reflected. Experiences and views have been gathered through practitioners and through direct engagement with children, young people and families. Views have been incorporated into the guidance itself and have informed the development of the series of practice insights, published alongside the guidance, ensuring a central focus on the child’s voice and perspective. Specific practice insights on sharing a child’s protection plan with a child and participation and engagement have also been created.</p>
<p>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</p>	<p>In addition to the range of academic research, national data, reports and statistics from national, public and third sector organisations, specific interest groups, service inspections, Police, Education, Health and Justice, the Guidance has also been informed by information, data and evidence from a range of sources, including:</p> <ul style="list-style-type: none"> • learning from Significant Case Reviews spanning from 2015 • housing and homelessness services as important contributors to intervening early and positively in the lives of children, young people and families who need support and assistance • community safety services covering wide range of measures to prevent and reduce crime, anti-social behaviour and encompassing everything that helps people to be and to feel safe in their homes, within their community and at places of work or leisure <p>The Guidance revision involved extensive engagement with stakeholder groups and individuals that support children, young people and families, to ensure that it takes full account of developments and new thinking. It incorporates our understanding of best practice and ‘what works’ from various sources, including practitioner and stakeholder experience, inspections, research, and learning from Significant Case Reviews. The revised Guidance also</p>

¹⁶Everyday Heroes reports of 2018 <https://everydayheroes.sps.ed.ac.uk/reports/>

	<p>integrates the (previously separate) guidance for health professionals. Children and young people’s rights, voice and experiences and the participation of children and young people and families in decisions that affect them are recurrent themes.</p> <p>The Guidance defines multi agency statutory responsibilities and parameters of community engagement for the purpose of protecting children from significant harm and abuse. It is the basis for local procedure and guidance. It informs pre-qualifying training, practice education and workforce development.</p> <p>Its primary purpose is to support the prevention of risk of significant harm and incidence of child deaths caused by abuse and neglect. Its intended tone is to convey support for and engagement with families and carers to ensure safety of children. Its aim is to be rights informed and policy consistent through practical integration of GIRFEC core components, values and principles. It is improvement orientated through impact upon inter-agency practice learning, culture, systems and leadership.</p> <p>Part 1 of the Guidance provides the context for child protection and sets out clear definitions and concepts, which includes drawing together relevant legislation and guidance in Scotland in which child protection processes apply to children up to the age of 18. For the non-professional reader it clarifies a complex legislative landscape. Throughout the Guidance the protection of under 18s is addressed in a broad spectrum of circumstances.</p> <p>Through extensive collaboration, engagement and consultation, the Guidance has been drafted to focus on the child’s experience and relationships with the family. The introduction focuses on principles underpinning the Guidance, enforcing that child protection in Scotland is based upon the protection of children’s rights and how the GIRFEC policy and practice model is a practical expression of the Scottish Government’s commitment to implementation of the UNCRC.</p> <p>The introduction further sets out how the views of children and young people, as well as the views of their parents and carers, have been considered throughout the Guidance.</p> <p>Part 2b in particular, demonstrates how integral child protection is to the protection of human rights and references how UNCRC underpins the GIRFEC model, as well as how the European Convention on Human Rights (ECHR) provides a framework within which the Scottish Government and all other public bodies must act. It sets out the principles for assessment, inter-agency and multi-agency working.</p>
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	<p>The revised Guidance takes into account learning from case reviews, data collection and research about where lessons have been learned and promotes a learning culture.</p> <p>The Guidance elaborates extensively on sections relating to:</p> <ul style="list-style-type: none"> • assessment and support starting from pre-birth • concept of multi-dimensional harm • the application of data protection through legislation • the application of equality through legislation and how it relates to child protection policy <p>Part 4 in the Guidance considers additional emphases within specific areas of practice. It compliments sections on multi-agency assessment and the steps in child protection and equips the reader with the context in which child protection processes and protocols apply.</p> <p>The Guidance enforces throughout, the importance of the GIRFEC National Practice model’s core elements such as the ‘SHANARRI’ wellbeing indicators, the My World Triangle, and the Resilience matrix and how they support holistic analysis of safety and wellbeing, dimensions of need, and the interaction of strengths and concerns.</p>
<p>Monitoring and review</p>	<p>This draft document is an initial assessment of the impact of the revision of the National Guidance for Child Protection in Scotland and Scottish Government will continue to review and update this document where required during the implementation process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.</p> <p>This impact assessment should be read in conjunction with impact assessment developed in parallel; which relates to the Guidance, including:</p> <ul style="list-style-type: none"> • Equality Impact Assessment (EQIA) • Data Protection Impact Assessment (DPIA); and • Island Communities Impact Assessment (ICIA) • Business and Regulatory Impact Assessment (BRIA).

CRWIA Declaration

Authorisation	
Policy lead Lindsay MacDougall Acting Head of Child Protection Unit	Date 27/07/2021
Deputy Director or equivalent Lesley Sheppard, Deputy Director, DCAF: Care, Protection and Justice Division	Date 28/7/21

Equality Impact Assessment (EQIA)

Results

Title of Policy	National Guidance for Child Protection in Scotland 2021
Summary of aims and desired outcomes of policy	<p>The current version of the National Guidance for Child Protection in Scotland was published in May 2014. Revision of the Guidance is part of the Child Protection Improvement Programme (CPIP), initiated in 2016, which states that this revision is necessary “to ensure it is consistent with the legislative and policy framework and current practice developments.”</p> <p>The broad objectives of this review are to:</p> <ul style="list-style-type: none"> • ensure children’s rights and voices are central to child protection • underline the critical need to engage with families to offer support and reduce risk of harm • support consistency in understanding about key processes when agencies must work together to prevent and respond to significant harm to reduce unwarranted variation • integrate essential changes in legislation and national guidance • reference key policy, research and practice developments and sources <p>The intended outcomes are:</p> <ul style="list-style-type: none"> • support a reduction in the incidence of significant harm to children and of child death in Scotland • improve professional inter-agency practice, supervision, management, training and development • promote a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities • support a context in which children and young people receive a more consistent approach to care and protection
Directorate	Children and Families

Executive Summary

The National Guidance for Child Protection in Scotland (“the Guidance”) describes the responsibilities and expectations for all involved in protecting children in Scotland and will support the care and protection of children across Scotland. The Guidance sets out how agencies should work together with parents, families and communities to prevent and protect children from harm caused by abuse and neglect. It aims to provide a national framework for services and local inter-agency forums to develop

further their local multi-agency protocols, training plans and procedures. The Guidance also acts as a useful resource for practitioners on particular areas of practice and signposts where additional information can be found.

The Guidance has been developed collaboratively, involving extensive engagement with stakeholder groups and individuals, to ensure that full account is taken of developments and new thinking. It incorporates our understanding of best practice and 'what works' from various sources, including practitioner and stakeholder experience, inspections, research and learning from Significant Case Reviews. Best practice in engaging with children, young people and families has been captured and principles embedded throughout. Experiences and views have been gathered through practitioners and through direct engagement with children, young people and families. The Guidance incorporates these and they have also informed the development of the series of Practice Insights, published alongside the Guidance, ensuring a central focus on the child's voice and perspective.

This Guidance is for all practitioners who support children and families whether they work in health, police, third sector, local authority or education settings. The approaches set out depend on a culture and ethos which recognises that whilst there are specific responsibilities associated with certain professional roles, *everyone* has a job in making sure children 'are alright'. The Guidance underlines the responsibilities of adult services to consider the needs of children and their parents where vulnerability and protection needs are identified.

The integration of child protection within the Getting it right for every child (GIRFEC) continuum and framing responses to child protection concerns within this national practice model is a critical feature of this revised Guidance. There is a clear articulation of the importance of GIRFEC to protecting children, particularly in recognising that all children must receive the right help at the right time.

The Guidance has a strengthened focus on children's rights, engagement and collaboration with families, and on building on existing strengths. There is a stronger emphasis on the range of issues that impact on the wellbeing and safety of children, including the importance of assessing the impact of all structural factors such as poverty and poor housing as part of all care and protection planning. The intention is to further support more holistic approaches that reduce stressors on families and communities to help reduce the risk of harm to children and young people.

Implementation of this Guidance will support greater consistency in what children and families can expect in terms of support and protection across Scotland.

The Scottish Government, in line with the public sector equality duty of the Equality Act 2010, is required to assess the impact of any proposed new policy or revised policy/ policy changes. As such, this Equality Impact Assessment (EQIA) examined the impact of the revised Guidance and assessed the equality impacts on all protected characteristics. The result of this assessment has been presented in the Key Findings section below. Overall, this EQIA has effectively shown consideration of the protected characteristics and thus meets the equality duty.

No changes to the Guidance were considered necessary following the EQIA as there is no evidence to suggest that there will be a negative impact on any individual with a protected characteristic. However, we will continue to work with our internal and external advisory groups, delivery partners and key stakeholders to ensure that we collectively undertake full and ongoing consideration of relevant equalities issues.

Background

The National Guidance for Child Protection in Scotland 2021 (“the Guidance”) is non-statutory Guidance. It describes the responsibilities and expectations for all involved in protecting children in Scotland. The Guidance sets out how agencies should work together with parents, families and communities to prevent and protect children from harm caused by abuse and neglect. It aims to provide a national framework for services and local inter-agency forums such as Chief Officer Groups and Child Protection Committees to develop further their local multi-agency protocols, training plans and procedures.

The Guidance also aims to serve as a useful resource for practitioners on particular areas of practice and signposts where additional information can be found. It will affect the workforce of statutory and non-statutory agencies, public, private and Third sectors, including practitioners, managers and leaders. Everyone has a role in protecting children from harm.

Revision of the Guidance is part of the Child Protection Improvement Plan (CPIP), initiated in 2016, which states that this revision is necessary “*to ensure it is consistent with the legislative and policy framework and current practice developments.*” The current version of the National Guidance was published in May 2014, updating a comprehensive 2010 rewrite of a 1998 version.

The broad objectives of the revision are to:

- ensure children’s rights and voices are central to child protection
- underline the critical need to engage with families to offer support and reduce risk of harm
- support consistency in understanding about key processes when agencies must work together to prevent and respond to significant harm to reduce unwarranted variation
- integrate essential changes in legislation and national guidance
- reference key policy, research and practice developments and sources

The intended outcomes of this revision are to:

- support a reduction in the incidence of significant harm to children and of child death in Scotland
- improve professional inter-agency practice, supervision, management, training and development
- promote a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities
- support a context in which children and young people receive a more consistent approach to care and protection

This revision built on the strengths of the current version and maintained its basic structure, but also supplemented, refocused and streamlined the 2014 document. The revision was an opportunity to adjust the tone of the Guidance, with recommended emphasis on engagement with children and families in order to assess and address risk. This ambition is congruent with priorities within CPIP and is supported by research evidence and adherence to rights-based practice.

The key areas of change in this revision are as follows:

- inclusion of principles of the United Nations Convention on the Rights of the Child so that child protection is increasingly rooted in universal services and whilst there are specific responsibilities associated with certain professional roles, everyone has a role in making sure children 'are alright'
- greater integration of child protection within the Getting it right for every child (GIRFEC) continuum: encouraging an increased focus on early intervention, and proportionate responses to child protection concerns within the national practice model
- alignment with the ambitions of The Promise to emphasise the child's experience, to build on strengths as well as risk, and to work in partnership with families and communities
- stronger emphasis on assessment of structural factors such as poverty and poor housing as part of care and protection planning
- strengthening of the key roles of the education workforce and the third sector in protecting children
- integration of the previously separate guidance for health professionals (the 'Pink Book')
- greater prescription for some elements of child protection processes
- a specific section outlining intersecting, dominant and emerging areas of concern
- inclusion of signposts to resources and research which may inform practice

The Scope of the Equality Impact Assessment

All aspects of the revised Guidance will impact on children who come into contact with child protection systems in Scotland. In the Guidance, in line with the United Nations Convention on Rights of the Child (UNCRC), a 'child' is defined as a child or young person up to the age of 18 years, including unborn babies. A Children's Rights and Wellbeing Impact Assessment (CRWIA) has been undertaken and will be published at the same time as the EQIA.

The Guidance will impact on all of the protected characteristics to some extent and therefore a full EQIA was carried out.

The Scottish Government has considered the measures against the needs of the general equality duty as set out in section 149 of the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic

and those who do not. The Scottish Government has also considered whether the Guidance could constitute direct and/or indirect discrimination.

Specifically, the EQIA assessed any impacts of applying the revised Guidance against the needs relevant to a public authority's duty to meet the public sector equality duty.

The Scottish Government has been working closely with partners from across education, social work services, health, police, justice, and the third sector in the development of this revision. The process of review and drafting of the Guidance, overseen by a National Guidance Steering Group, has involved extensive engagement with stakeholder groups and individuals prior to, during, and after the consultation. These include organisations such as Scottish Commission for Learning Disability (SCLD), Promoting a More Inclusive Society (PAMIS), the Disabled Children and Young People's Advisory Group, the Disabled Children Child Protection Network, Rape Crisis, Women's Aid, Interfaith Scotland, the Domestic Abuse Reference Group, the Safe and Together Institute, the Forced Marriage Network and SACRO. Through this engagement, consideration of potential impacts of the Guidance on the protected characteristics was an ongoing process, and one which enabled adjustments to be made, where necessary, prior to the Guidance being finalised. This EQIA has also sought to use existing information, evidence and analysis, as part and parcel of the revision process.

The Scottish Government has considered the evidence gathered and the inputs provided, both in drafting the Guidance and as part of our review of the impact of the Regulations. These in turn helped in the consideration of the existing and potential impacts – negative and positive – that this Guidance may have on each of the protected characteristics. It is recognised that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. Therefore it should be recognised that mitigating actions do not stand alone and form part of that wider consideration of the duty.

Key Findings

The intention of the Guidance is to set out how agencies should work together with parents, families and communities to prevent and protect children from harm caused by abuse and neglect, and to support services, local inter-agency forums and practitioners to do so.

The EQIA has identified that there will be potential positive impacts on children and their carers across all of the protected characteristics as a result of the Guidance.

There will also be a small number of potential positive impacts for practitioners across some of the protected characteristics, such as age, sex, and gender reassignment. Across the majority of the protected characteristics, it has been assessed that the potential impact will be none for practitioners.

The Guidance sets out processes that are to be followed equally for all children and families involved in the child protection system. It aims to ensure consistency in

practice so every child can expect a minimum standard of care and support, across all protected characteristics.

The Guidance encourages rights- and strength-based approaches, as well as consideration of the child in the context of their family and community which should promote good relations across all protected characteristics.

With regard to practitioners, every practitioner has a professional duty to follow the Guidance, regardless of protected characteristic.

Age

The Guidance gives clear definitions of a 'child' in relation to child protection procedures and age, and explains how the definition varies in different legislative contexts. This clarity on definitions and expectations of service provision at different ages should ensure that children are given the appropriate support for their age.

Situations where a different response is recommended or optional for older children (e.g. medical examinations of 13-16 year olds) are explained so that it is clear the approach taken should be the one that best suits the child. The Guidance notes that sexual exploitation of teenagers is more common than victimisation of younger children, and there is also a section on protecting children in situations of under-age sexual activity.

A section on children whose behaviour has caused harm makes it clear that they should be treated as a child who needs support rather than as a criminal who has committed an offence. The Guidance includes reference to the Age of Criminal Responsibility (Scotland) Act 2019 and the implications for children once that is fully implemented. The Guidance also highlights the Children (Equal Protection from Assault) (Scotland) Act 2019, which allows for a parent or carer who physically punishes their child to be prosecuted for assault.

The Guidance aims to improve outcomes for children, and has a greater emphasis than the previous version on early intervention and family support, which aligns with the GIRFEC model and the ambitions of The Promise. This shift in emphasis should advance equality of opportunity for children by providing them with the support they need at the earliest possible stage

The Guidance takes a rights-based approach, in line with UNCRC, so all children are expected to be treated and to treat each other equally.

With regard to practitioners, the Guidance gives a framework for practitioners to work with children, their carers and communities more effectively, which should encourage good relations between all those involved across different age groups.

Disability

Part 4 of the Guidance contains new or revised sections on specific concerns, including forms of disability. These include sections on protection of disabled children, and of disabled children as they transition into adult support services, and working with parents with learning disabilities. These sections encourage treatment of the disabled child as an individual, considering their specific needs and risks

alongside their strengths. This approach should help to eliminate discrimination, harassment and victimisation.

The Guidance encourages treatment of each child with a disability as an individual, taking into account their specific needs, risks and strengths. This approach should advance equality of opportunity for each child to be safe and protected, and to reach their full potential. The section on transitions from child to adult disability services should also enhance opportunities for disabled people by ensuring they have the appropriate support throughout these transitions.

Similarly, the section on parents with a learning disability encourages a rights-based approach, so opportunities for parents to have appropriate levels of contact or residence with their child(ren) should be enhanced by individualised assessment of the parent and child's needs.

Practitioners with a disability should be able to access the Guidance through due process equality measures in their own workplaces. The Scottish Government Marketing, Insight, Brand Scotland and Internal Communications team advised that translation of the document including to large font or Braille is not advisable unless a specific need is identified. Specific accessibility requirements will be considered by the Guidance implementation Steering Group

Sex

The Guidance typically refers to "the child" rather than using gendered pronouns to encourage all children to be treated equally.

The Guidance has a section on female genital mutilation (FGM). By its very nature FGM is a form of extreme gender based violence that affects women and girls because they are female. This section makes it clear FGM is abuse and is illegal in Scotland, so should help to eliminate unlawful discrimination. There is also a section on forced marriage, something that more often impacts women and girls. The section on domestic abuse also notes that this is primarily perpetrated by men against women, and there is a paragraph specifically regarding violence against women and girls (VAWG), and reference to the roles of VAWG Partnerships in child protection. Actions described in these sections should help eliminate discrimination.

The Guidance recognises the need to provide support to fathers of children and unborn children as well as mothers, for example in situations of problem drug and alcohol use and in obtaining information in situations of domestic abuse.

With regard to practitioners, the Guidance does not refer to practitioners using gendered pronouns but uses job titles e.g. social worker, nurse, police officer.

Pregnancy and Maternity

A specific section in Part 2A describes the role of midwives in the protection of unborn children. A section in Part 4 gives guidance on pre-birth support assessment and support when there are safeguarding concerns about the unborn child. These sections should help identify risks to a child and provide parents with the support they need, which will advance the opportunity for the child to develop in similar way to children who are not a cause for child protection concerns.

Having been a victim of FGM can cause complications for the woman during pregnancy and birth. The section on FGM in the Guidance should help protect children and increase their chances of recovery if they are a victim of this practice.

With regard to practitioners, the rights of women and adaptations to working practices due to pregnancy should be recognised and implemented by their employer.

Gender reassignment

The Guidance typically refers to “the child” rather than using gendered pronouns to encourage all children to be treated equally.

Part 4 of the Guidance identifies transgender identity as a protected characteristic covered by hate crime legislation and describes methods for prevention of such crime. This section gives guidance on responding to and reporting hate crime. Providing appropriate support to victims should advance their opportunity for equivalent outcomes to other children.

The Guidance notes that questioning of gender identity can result in children being more vulnerable to child sexual exploitation (CSE) and suggests use of the GIRFEC National Practice model to respond to cases of CSE.

With regard to practitioners, the Guidance does not refer to practitioners using gendered pronouns but uses job titles e.g. social worker, nurse, police officer.

Sexual orientation

The Guidance uses the terminology “parent” or “carer” where relevant, as opposed to “mother” and “father”, so as to recognise that family units take all forms. It outlines the definitions and responsibilities of parents and carers, including same sex couples. This clarity should help prevent any discrimination against same sex couples during child protection processes.

The Guidance notes that exploration of same-sex relationships and questioning of sexual orientation can result in LGBTI children being more vulnerable to CSE, forced marriage and honour-based abuse. It suggests approaches to working with these children and families.

Particular reference is made to taking care if overriding an LGBTI child’s confidentiality as they may not have told others of their sexual identity.

Race

The Guidance has a section on cultural sensitivity, and there is also a practice insight on cultural competence. These sources of information help to raise awareness of cultural differences that may be relevant to child protection and how to respond to them, which should permit children and carers to experience a more equal and appropriate response to their situation.

Sections on identifying and responding to hate crime, unaccompanied asylum seeking children, forced marriage, honour-based abuse and FGM should also improve outcomes for children experiencing these situations.

Religion or belief

Part 4 of the Guidance identifies religion as a protected characteristic covered by hate crime legislation and describes methods for prevention of such crime.

The Guidance notes that practices linked to tradition, faith or belief can sometimes be used to justify behaviour such as FGM, honour-based abuse and forced marriage, and that these practices will be treated as abuse in Scotland. Sections on these practices should help to prevent or support individuals through these events, thus advancing their opportunity to live safely.

Marriage or civil partnership

The Guidance outlines the definitions and responsibilities of parents and carers, including same sex couples, and uses the terminology “parent” or “carer” where relevant, so as to recognise that family units take all forms. This clarity should help prevent any discrimination against individuals with different marital statuses.

The section on forced marriage should help to prevent or support individuals through these events, thus advancing their opportunity to live safely.

Recommendations and Conclusion

The EQIA has identified that there will be potential positive impacts on children and their carers across all of the protected characteristics as a result of implementation of the Guidance, and a small number of potential positive impacts for practitioners across some of the protected characteristics, such as age, sex, and gender reassignment.

However, there are a number of factors that may prevent the desired outcomes of the revision being achieved. The Scottish Government recognises these and is putting measures in place to mitigate, outlined below.

The desired outcomes of the revision of this Guidance will not be achieved if the necessary individuals are not aware of the revision. The Scottish Government will therefore have a clear communication strategy for disseminating the new Guidance to relevant stakeholders.

This Guidance is non-statutory. The intention is to support greater consistency in what children and families can expect in terms of support and protection in all parts of Scotland through the implementation of this Guidance. However, the Scottish Government recognises that local structures and protocols must be attuned to local conditions and demands. This may necessitate some flexibility in how the Guidance is implemented locally, to take account of this context and need.

A lack of resource to commit the time and work required to consider and adapt local practice could be a limiting factor. The Scottish Government has established an

implementation steering group, which will coordinate work on establishing requirements for resources, developing training and sharing learning.

Strong leadership is needed to model the values underpinning this Guidance and drive forward the expectations of single and multi-agency responses to children and their families. Strategic scrutiny activity underlines the criticality of well-functioning Chief Officer Groups and Child Protection Committees in leading effective child protection responses. However, there are a number of current leadership challenges in some areas, notably, the complexity of local arrangements and the level of staff changes in leadership positions.

Timeframes for other key developments and pieces of legislation will need to be closely monitored and linked with this Guidance as appropriate. These key areas include but are not limited to the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Children (Equal Protection from Assault) (Scotland) Act 2019, publication of the National Guidance for Child Protection Committees Undertaking Learning Reviews, and the refresh of GIRFEC policy, statutory and practice guidance. Additionally, some legislative, policy and practice changes impacting on child protection which relate to some of the protected characteristics will not be implemented by end of the revision period. Examples of areas for considered revision or supplement in subsequent phases include: parents with learning disabilities, child protection for disabled children, assessing and addressing interacting variables e.g. ethnicity, poverty, mental health, trafficking within as well as beyond borders, CSE guidance, domestic abuse developments, Female genital mutilation (FGM) and other legal developments, Age of Criminal Responsibility and Child Protection and family and child rights: advocacy for parents and children; and involvement of parental views at strategic level.

More information regarding the potential impacts, whether positive, negative, or none, across all of the protected characteristics for children, their carers and practitioners will become clearer as the Guidance is published and local areas begin to engage with the Guidance and a fuller picture of support needs for practitioners, managers and leaders begins to emerge. As the Guidance is implemented, more evidence may come to light as to the potential impacts.

The Scottish Government will keep all mitigating actions, and impacts, under review. This impact assessment is a living document and, as such, we will also continue to consider and use any newly identified evidence as it relates to each of the protected characteristics. We will make further adjustments, as appropriate, as we wish to ensure that equality and human rights are central to this process.

Declaration and Publication

I have read the Equality Impact Assessment and I am satisfied that it represents a fair and reasonable view of the expected equality impact of the Regulations.

Signed:

A handwritten signature in black ink that reads "L A Sheppard". The signature is written in a cursive style with a large initial 'L'.

Position:

Deputy Director: Children's Rights, Protection and Justice

Date: 28/7/21

Fairer Scotland Duty

Assessment Not Required Declaration

Policy title	National Guidance for Child Protection in Scotland 2021
Directorate: Division: team	Directorate for Children and Families: Children’s Rights, Protection and Justice: Child Protection Unit
Policy lead responsible for taking the decision	Lindsay MacDougall

Rationale for decision

Background

The Scottish Government is committed to working with parents and families, carers, professionals and communities to ensure every child’s right to be protected from harm, including neglect and abuse. Physical and emotional safety is fundamental to a child’s wellbeing and healthy development. The National Guidance for Child Protection in Scotland is core to those efforts and provides a common framework that underpins practice across services and disciplines.

Revision of the National Guidance for Child Protection is part of the Child Protection Improvement Plan (CPIP), initiated in 2016, which states that this revision is necessary “to ensure it is consistent with the legislative and policy framework and current practice developments.” The current version of the National Guidance was published in May 2014, updating a comprehensive 2010 rewrite of a 1998 version.

A Scottish Government National Guidance Steering Group was formed at the start of the process to oversee this significant revision. The membership of this group represents leadership in key stakeholder organisations and policy areas. This Steering Group ultimately reports to the National Child Protection Leadership Group.

The Steering Group has been working closely with partners from across education, social work services, health, justice, and the third sector in the development of this revision, as well as seeking the views and input of children and families. The National Guidance reflects a determination to engage with families, and seek to work in partnership to safeguard children from harm and ensure that they receive the necessary support if they have been harmed.

Strategic position

The revised National Guidance is strategic in that it is integral in:

- Supporting a reduction in the incidence of significant harm to children and of child death in Scotland;
- Improving professional inter-agency practice, supervision, management, training and development; and
- Promoting a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities.

Socio-economic disadvantage and inequalities of outcome

With regard to socio-economic disadvantage, such as low income, low wealth and material deprivation, the revised Guidance recognises the potential negative impact on a child’s health and wellbeing. The impact of poverty is articulated throughout the revised Guidance, observing the links to negative outcomes related to child protection, such as neglect and abuse. However, the revised Guidance also emphasises that this does not imply that poverty and harm always go hand-in hand, and highlights the role of professionals in providing and seeking support where poverty may be a risk factor.

It is apparent that the child protection mechanisms, procedures and information for professionals within the Guidance are aimed at improving the lives of all children and young people in need of protection and safeguarding, regardless of socio-economic status, and thus aims for positive outcomes by keeping them safe, healthy and ensuring wellbeing.

Summary

An assessment under the Fairer Scotland Duty is not required because the National Guidance for Child Protection in Scotland, and its core role in ensuring every child’s right to be protected from harm and aiming for positive outcomes, should not have any direct implications for inequalities arising from socio-economic disadvantage.

Declaration

I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:

Name and job title of Deputy Director (or equivalent)	Date authorisation given
Lesley Sheppard Deputy Director, Children’s Rights, Protection and Justice	3/8/21