

# **Protecting Children and Young People**

## **Child Protection Committee and Chief Officer Responsibilities**

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# **Protecting Children and Young People: Child Protection Committee and Chief Officer Responsibilities**

	<u>Page</u>
Ministerial Foreword	1
Section 1 – Introduction	2 – 5
Section 2 - Role of Chief Officers and Chief Social Work Officers	6 – 13
Section 3 – Functions of the Child Protection Committee	14 – 17
Section 4 - Carrying out the Task	18 – 24
References	25
Appendix 1 - Partnership Assessment Tools	26 – 27
Appendix 2 - Legal Context	28 – 29

## Ministerial Foreword



As Minister for Children and Young People I am committed to ensuring that children and young people in Scotland are protected from neglect, abuse and harm. All children and young people have the right to be cared for and protected from harm, and to grow up in a safe environment in which their rights are respected.

Chief Officers have a pivotal role, both individually and collectively for the leadership, direction and scrutiny of child protection services. Child Protection Committees (CPCs) and partners are central to fostering an inter-agency approach and providing support for the development and delivery of processes, common standards, and continuous improvement. The clear ownership of child protection by Chief Officers helps to ensure that protecting children and young people remains a priority within and across agencies.

In 2005 guidance was published which clearly set out the expectations of key agencies, Chief Officers and CPCs. Through a consultation exercise with all CPCs in Scotland, this guidance has now been updated to ensure that it continues to be a relevant and valuable document. The guidance provides clarity of roles and lines of accountability for Chief Officers. It is their responsibility to implement in their local areas to ensure a clear, co-ordinated and unambiguous commitment and support in all areas of child protection across all agencies and bodies.

I would like to take this opportunity to thank all of those who have actively and positively engaged with this process. Their commitment and contributions have proven invaluable, and will ensure that Chief Officers and CPCs have guidance to support the decisions and actions they take to protect children and young people.

Maree Todd

A handwritten signature in black ink that reads "Maree Todd". The signature is written in a cursive, flowing style.

Minister for Children and Young People

## Section 1 - Introduction

- 1.1 Police Scotland, NHS Boards and local authorities are the key agencies that have individual and collective responsibilities for child protection. They must account for this work and its effectiveness.
- 1.2 The Chief Constable, Chief Executives of Health Boards and local authorities (a group hereafter referred to as Chief Officers) are responsible for ensuring that their agency, individually and collectively, work to protect children and young people as effectively as possible. They also have responsibility for maximising the involvement of those agencies / bodies not under their direct control, including the Scottish Children's Reporter Administration (SCRA), the Crown Office and Procurator Fiscals Service (COPFS) and the voluntary / third sector and should report to Scottish Ministers if they deem this not to be effective.
- 1.3 The Chief Officers of Health and Social Care Partnerships (Integration Joint Boards) are accountable to the Chief Executives of the Local Authority and the Health Board that make up their partnership for their role in relation to child and other aspects of public protection. It is critical that these Chief Officers are appropriately linked to local governance arrangements for the protection of children in their area. This applies regardless of whether children's services are in the scheme of integration.
- 1.4 When this guidance refers to "Chief Officers" this is within the context of paragraph 1.2. That is, "Chief Officers" means Chief Executives of Health Boards, Chief Executives of local authorities and Police Divisional Commanders with delegated authority of the Chief Constable.
- 1.5 The Chief Officers Group (see paragraph 2.2) will include the three Chief Officers described above, plus senior staff in relevant organisations and bodies who must report to the Chief Officers to be accountable for the effectiveness of services to protect children. Membership of this group will include the Chief Officer of the Health and Social Care Partnership.
- 1.6 Scottish Ministers have agreed how key agencies, bodies and Chief Officers should work together to protect children and a model for how these responsibilities will be discharged through Child Protection Committees (CPCs). This model (detailed below) contributes to Ministers' wider policy objective of improving the integration of services for children and young people. Ministers have made clear their expectations that CPCs must:
  - be led and owned by all agencies / bodies
  - be clearly mandated with delegated authority for action
  - undertake a range of core functions and activities – with flexibility for local conditions

- 1.7 This guidance is deliberately directive and specific – reflecting the need for clear, co-ordinated and unambiguous commitment and support across all agencies / bodies and in all areas to protect children. Clear lines of accountability to those at the top of local authorities, health boards, health and social care partnerships and the police are needed for CPCs to be effective and drive forward the multi-agency agenda required to help improve outcomes for vulnerable children and young people. Ministers have agreed to approach this through the provision of robust guidance for Chief Officers to implement, but have not ruled out legislation in the longer term should this be required.
- 1.8 This guidance updates the previous Protecting Children and Young People: Child Protection Committees (2005) guidance and is supplementary to the [National Guidance for Child Protection in Scotland \(2014\)](#).

### **Who is this for?**

- 1.9 This guidance makes clear Ministers' expectations of Chief Officers in fulfilling their responsibilities in respect of child protection and how CPCs across Scotland, as key local inter-agency bodies, contribute to the delivery of the child protection agenda. The audience for this document is therefore:
- Chief Officers as outlined in para 1.2 above
  - the leaders of the key agencies / bodies outlined above
  - representatives of partner agencies / bodies involved in child protection work
  - chairs and lead officers of CPCs
  - members of CPCs
  - members of other inter-agency bodies that link with CPCs
- 1.10 This guidance will also be of wider interest, for example to staff in agencies and bodies as well as members of communities served by CPCs.

### **Legal Context**

- 1.11 In general terms, the protection of children and young people includes unborn babies and children and young people under the age of 18 years. It is essential that CPCs and Adult Protection Committees (APCs) work together to best protect children and young people at key transition points, for example transition from children's to adult services.

However, there are five key pieces of legislation that provide the legal context for this approach. These are outlined in more detail in Appendix 4. Briefly these are:

*Children & Young People (Scotland) Act, 2014*

Part 3 (Children's Services Planning) requiring local authorities and health boards to take a strategic approach to the design and delivery of a wider view

of services used by children and families than those previously set out in the Children (Scotland) Act 1995.

Section 8 requires every local authority and its relevant health board to jointly prepare a Children's Services Plan for the area of the local authority, in respect of each three-year period.

A range of other relevant local and national bodies are expected to be either consulted with, or obliged to participate, at various stages of the development of the plan. The Act also requires the local authority and relevant health board to jointly publish an annual report detailing how the provision of children's services and related services in that area have been provided in accordance with the plan.

#### *Children (Scotland) Act 1995*

This Act sets out duties of a local authority to publish information about services provided by them for children in their area or which are provided for these children by other local authorities (section 20).

The Act also permits the local authority to request help, in the exercise of their functions in children's services, from a range of persons specified, and imposes an obligation on the person requested to provide help, unless where doing so would not be compatible with that person's own statutory or other duties (section 21).

#### *Community Empowerment (Scotland) Act 2015*

Part 2 of the Act replaces community planning provisions in the Local Government in Scotland Act 2003 and provides a statutory basis for Community Planning Partnerships (CPPs). Community Planning is a process that helps public agencies / bodies to work together and with the community to plan and deliver better services that make a real difference to people's lives. Part 2 came into force on 20 December 2016.

The purpose of community planning is improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1.

Schedule 1 of the act lists all the bodies considered to be community planning partners of the local authority including the Chief Constable of Police Scotland, NHS Boards and any integration joint board established by the Public Bodies (Joint Working) (Scotland) Act 2014.

The CPP must prepare and publish a local outcomes improvement plan (LOIP) which sets out the local outcomes that the CPP will prioritise for improvement.

### *Local Government in Scotland Act 2003*

Part 3 of the Act deals with the power to advance wellbeing. This sits alongside Community Planning and allows a local authority to do anything to promote or improve wellbeing within the authority's area.

### *Public Bodies (Joint Working) (Scotland) Act 2014*

This Act provides a legislative framework for the integration of health and social care services in Scotland. The Act removed community health partnerships from statute and places a duty on local authorities and NHS Boards to integrate the governance, planning and resourcing of adult social care services, adult primary care and community health services, and some hospital services. A total of 32 health and social care partnerships (HSCPs) have been established, with a jointly agreed integration scheme for each setting out key arrangements for the integration of services.

The Act also allows for the integration of other areas of activity, such as children's health and social care services.

## **Getting it Right for Every Child**

Complemented by the [Early Years Framework](#) and the [UN Convention on the Rights of the Child](#), Getting it Right for Every Child (GIRFEC) provides the overarching context for the development of a co-ordinated and common approach around child protection and supporting the wellbeing of children and young people.

Wellbeing sits at the heart of the GIRFEC approach and reflects the need to tailor the support and help that children, young people and their parents are offered to support their wellbeing. The eight wellbeing indicators are commonly referred to as SHANARRI, affirming that Scotland's children should be:

- **Safe**
- **Healthy**
- **Achieving**
- **Nurtured**
- **Active**
- **Respected**
- **Responsible**
- **Included**

- 1.12 The purpose of this guidance is to support Chief Officers in fulfilling their child protection responsibilities. Chief Officers also have responsibilities in relation to adult protection and MAPP. We will discuss with Chief Officers whether they would find it helpful to extend this guidance or provide complementary guidance on these aspects of their public protection responsibilities and review accordingly.

## Section 2 - Role of Chief Officers

2.1 Working within the accountability structures of their respective organisations, Chief Officers in each local authority area must work collectively to identify and commission inter-agency activity for the protection of children and young people. Chief Officers are ultimately responsible and accountable for improving the experience of and outcomes for children who may need protection. The local CPC is the inter-agency mechanism to take forward this work, whether the CPC is comprised of the Chief Officers themselves or whether it is a group clearly mandated by Chief Officers to do so. Chief Officers are individually and collectively responsible and accountable for effectiveness of the Child Protection Committee (CPC). It is recognised that a number of areas have developed arrangements that cross local authority boundaries, either in the geographical coverage of the CPC itself or working in a consortium with neighbouring CPCs. It is for Chief Officers collectively to determine the most appropriate arrangements for their area(s).

2.2 The Chief Executive of the local authority – or, where it is agreed that a Child Protection Committee should cover more than one local authority area, the largest local authority in population terms – will ensure that a Chief Officers Group is initially established in such a way as to exercise fully the roles and responsibilities set out within this document. Arrangements for convening and chairing the Chief Officers Group will be agreed by that group. This may be set up as a bespoke forum on child protection or be integrated into other structures already in place where Chief Officers convene. However, the protection of children and young people must feature as a primary focus.

In terms of the full remit of the Chief Officers Group (COG), it is essential that due consideration is given to the issues that have an impact on wider public protection arrangements and development. Therefore, Chief Officers should consider the merits of widening the remit of the COG to include 'public protection'. This could, therefore, include consideration of the cross-cutting themes regarding adult protection, domestic abuse and high-risk offenders.

2.3 This group will meet to agree the annual report of their CPC and the Improvement / Business Plan for the next year. In addition, it will come together with sufficient frequency to effectively discharge its accountability and responsibilities in relation to the protection of children and young people. There will also be a formal process to evaluate progress against agreed objectives through the course of the year and to ensure increased integration into other planning structures, in particular integrated children's services planning. Objectives and areas for improvement may arise from either the Annual Report and Improvement / Business Plan or from the outcomes of recent inspections which have identified areas requiring improvement.

2.4 Chief Officers, working together, have the following roles and responsibilities:

- individually and collectively, demonstrating leadership and accountability for child protection work and its effectiveness on behalf of their agencies / bodies – including the effectiveness of the CPC itself



- agreeing the CPC Annual Report and Improvement / Business Plan, including operational priorities for protecting children, and ensure the allocation of resources to the CPC
- considering performance reports that include qualitative and quantitative data on the effectiveness of services in improving the experiences of, and outcomes for, children in need of protection
- ensuring that the CPC links to other planning fora under their control (see section 2.5 below), in particular the structures for integrated children's services planning
- agreeing the constitution for the CPC, including the delegating of roles and responsibilities, to take forward multi-agency issues in respect of child protection on their behalf and invest it with the authority to do so
- agreeing the agencies, bodies or organisations to be represented at their CPC
- considering the development of a communications strategy in order to raise awareness of both the role of the CPC and the COG locally
- appointing, or agreeing the appointment of, the chair of the CPC and in doing so ensuring that the chair has the time, resources and dedicated professional and administrative support to properly fulfil the role
- appointing representatives from their own agencies / bodies to the CPC with the appropriate authority and responsibility to best take forward the functions required
- inviting nominations from other agencies, bodies or organisations to be represented on the CPC
- agreeing reporting mechanisms with elected members and board members that cover the work of their CPC and the implications for their local authority area. This will include at least annual reporting

2.5 Alignment with integrated children's services processes and wider planning structures is essential. Initially, it is expected that separate CPC reports and improvement plans will be prepared to demonstrate implementation of this guidance and the contribution of CPCs to the protection of children and young people. Since services to protect children are a fundamental component of the wide range of services provided by local authorities and their partners, we would expect to see plans relating to child protection embedded in Integrated Children's Services Plans (ICSPs). From 2018, the CPC annual report and Improvement / Business Plan will form a section of the ICSP or be cross referenced within it.

## Resources

2.6 Section 3 outlines the key functions that the CPC will fulfil. In order to fulfil these functions, agencies will be required to commit resources. Chief Officers have a collective responsibility to ensure that their CPC has the resources, including staff time and finance, to fulfil the agreed annual Improvement / Business Plan and related objectives. Resources will be agreed by the Chief Officers Group and reviewed as part of the annual report.

2.7 Resources will include:

- provision of sufficient dedicated time for CPC members to fulfil their roles and responsibilities
- provision of finance to support the activities of the CPC, including inter-agency training
- professional, operational and administrative support to the CPC itself
- commitment of time from staff not directly involved in the work of the CPC to contribute to specific projects, for example redrafting procedures or delivering multi-agency training
- provision of sufficient staff time in their agencies for child protection work and for activities, such as staff development, that are necessary to ensure competent and confident staff and continuous improvement

2.8 Resource Challenges

Chief Officers should also consider at regular intervals any adverse circumstances, associated impact and risk in relation to essential functioning of child protection arrangements for each of the key agencies involved, such as:

- levels of vacancies and absence
- savings and efficiency initiatives

## Consideration of Initial Case Reviews and Significant Case Reviews

2.9 The Chief Officers Group should be advised by the chair of the CPC of any cases that should be considered in respect of meeting the criteria for warranting either an Initial Case Review (ICR) or Significant Case Review (SCR). Once agreed that there is a need to undertake either an ICR or SCR, the CPC should consider and agree the method of review to be undertaken and who should lead the review and ensure that appropriate communication of the case has taken place in respect of contact with the Care Inspectorate, which has the lead role nationally for overseeing all ICRs and SCRs (See [National Guidance for Child Protection Committees for Conducting a Significant Case Review \(2015\)](#))

Once reviews are concluded, all findings and recommendations should be considered by the Chief Officers Group with a focus of attention on:

- key themes within the findings and how to share these findings with staff, agencies and bodies involved to support and embed learning and improvement locally
- the possibility of any systemic failure within or between key agencies or bodies involved in child protection
- any remedial or urgent action that is required
- the proposed action plan to address the findings and how improvement priorities will be implemented, monitored and reviewed
- how any learning and development will be taken forward and embedded in practice
- any resource issues that are relevant for either the management of the case itself or production and progress of the action plan
- publishing the report (with appropriate safeguards) in order to promote and support national learning and improvement activity in the protection of children as a matter of course, unless Chief Officers can demonstrate there are exceptional circumstances that justify not publishing
- whether it is appropriate to develop a press statement

### **Resolution of Differences or Disputes**

2.10 CPCs will reflect the commitment of key agencies/bodies, working together, to improve the protection of children and young people and will be dependent largely on developing consensus. In the event of the work of the CPC being significantly impaired by failure to reach an agreement, it is the responsibility of the Chair to notify the Chief Officers Group as a matter of urgency, who will then arbitrate on the matter.

In the event of the Chief Officers Group failing to reach an agreement, it is responsible for bringing the issue to the attention of the Scottish Government to agree a course of action to resolve any dispute.

### **Agencies and Bodies must Demonstrate Leadership and Accountability for Child Protection and the Effectiveness of their Work**

2.11 Each agency and body has individual responsibilities to protect children as well as collective responsibility exercised through Chief Officer Groups and Child Protection Committees.

1. The needs and risks for the child and any other relevant children including siblings come first in all professional decision-making. Agencies and bodies must have in place:
  - policies
  - procedures
  - systems
  - structures
  - resources and personnel to support this
2. Agencies and bodies must rigorously monitor and review their work in protecting children and implement steps that lead to continuous improvement.
3. Agencies and bodies should be able to demonstrate that they understand the needs of the communities they serve and direct sufficient resources to services for the care and protection of children.
4. Agencies and bodies must have systems and policies in place to share information within and across agencies, professional bodies and other organisations.
5. Agencies and bodies actively promote joint working through joint planning, training and monitoring arrangements. Agencies and bodies are responsible for ensuring that their staff work with other professionals to achieve better experiences of, and outcomes for, each child.
6. Agencies and bodies must ensure that that they have sufficient staff who are effectively and relevantly trained, and that they are:
  - supported
  - supervised
  - accountable for child protection work
7. Agencies and bodies ensure they have access to a sufficient range of expertise and services to meet the care and protection needs of children.
8. Agencies and bodies ensure that staff are adequately protected from violence and aggression and that in undertaking their duties the risks to both the professional(s) and children are minimised.
9. Agencies and bodies have robust information systems that effectively account for the work of their staff and have systems to support the monitoring and review experiences of, and outcomes for the child.
10. Agencies and bodies have quality assurance mechanisms to ensure that these standards are met and that this can be demonstrated.

## The Role of the Chief Social Work Officer

2.12 The Social Work (Scotland) Act 1968 requires local authorities to appoint a single Chief Social Work Officer (CSWO). [Statutory guidance \(revised 2016\)](#) is issued to local authorities by Scottish Ministers under section 5 of the 1968 Act<sup>1</sup>.

This guidance is for local authorities but is also for bodies and partnerships to which local authorities have delegated social work functions e.g. Integration Joint Boards / Health and Social Care Partnerships. It provides an overview of the Chief Social Work Officer's role, outlining the responsibility for values and standards, decision making and leadership. The guidance also covers accountability and reporting arrangements.

The CSWO should assist local authorities and their partners in understanding the complexities and cross-cutting nature of social work service delivery – including in relation to particular issues such as corporate parenting, **child protection**, adult protection and the management of high-risk offenders - and also the key role that social work plays in contributing to the achievement of a wide range of national and local outcomes. The CSWO also has a contribution to make in supporting overall performance improvement and management of corporate risk (Section 10 of Statutory Guidance).

Health Boards must have named professional leads for child protection. This is usually a Chief/Consultant Nurse and Consultant Paediatrician. The CSWO has a pivotal role to play in building strong collaborative relationships with these and other professional leads in Health and Social Care Partnerships.

The CSWO must be empowered and enabled to provide professional advice and contribute to decision-making in the local authority and health and social care partnership arrangements, raising issues of concern with the local authority Elected Members or Chief Executive, or the Chief Officer of the Integration Joint Board as appropriate (or the Chief Executive of a Health Board if appropriate in the context of a lead agency model), in regard to:

- effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards
- appropriate systems required to (1) promote continuous improvement and (2) identify and address weak and poor practice
- the development and monitoring of implementation of appropriate care governance arrangements
- approaches in place for learning from critical incidents, which could include through facilitation of local authority involvement in the work of **Child Protection Committees**, Adult Support and Protection Committees and Offender Management Committees where that will result in the necessary learning within local authorities taking place

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<sup>1</sup> The Role of Chief Social Work Officer: Guidance Issued By Scottish Ministers: Pursuant to Section 5(1) of the Social Work (Scotland) Act 1968

- requirements that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance
- workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff
- continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focused on the needs of people who use services and support
- the provision and quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers. (Section 16 of Statutory Guidance)

Additionally, [Undertaking the Role of Chief Social Work Officer: Sharing Knowledge from Practice \(Care Inspectorate & Social Work Scotland, 2016\)](#) provides helpful advice on discharging the responsibilities of CSWO. Detailed below are some helpful extracts:

*‘...As the professional leader for social care and social work services in each area, the Chief Social Work Officer is responsible for ensuring services are delivered in a way which takes account of a human rights approach, and one in which the principles of social justice are applied through tackling inequality and disadvantage, working collaboratively and in partnership with colleagues across sectors and involving communities and individuals who receive services, and those who care for them....’*

*‘...Where necessary, Chief Social Work Officers will require to challenge professional practice and managerial decision making, making appropriate use of their authority to do so. Where this occurs, they will encourage learning and development through reflective discussions and constructive debate about high risk and other professionally challenging issues...’*

For some, the Chief Social Work Officer role also takes them into an area of work for which they may not be directly responsible in a managerial or delivery sense.

For instance, if a Chief Social Work Officer is a Head of Service in Children’s Services in a local authority area in which children’s services are not part of integrated arrangements with Health, the Chief Social Work Officer, although attending the Integration Joint Board as a non-voting member, has no operational responsibilities for services represented but must still represent social work services as a whole, through quality assurance, professional leadership and the duties inherent in the Chief Social Work Officer function.

This requires a Chief Social Work Officer to develop and maintain excellent relationships with social care and social work peers to ensure he/she can effectively raise appropriate issues for consideration, and assure the Integration Joint Board members of the effectiveness of social care and social

work delivery, based on the principles of effective risk management and social work values.

## **Health Board Accountability Framework**

- 2.13 As an employer, Health Boards are required to support their staff to uphold professional standards and regulations outlined by their governing bodies. Health staff have a duty of care that places the interests of patients and service users first, delivering safe and effective service and promoting trust through professionalism.

NHS employees provide universal health services for the people of Scotland and have a unique and pivotal role in protecting children, including during the antenatal period. Health staff are often the first to recognise children and their families are experiencing difficulties, these contacts provide opportunities for early and effective interventions and avoiding escalating need.

The Chief Executives of Health Boards are accountable to the Scottish Government and are required to ensure that robust governance and accountability reporting frameworks are in place to ensure all health staff are competent and able to discharge their child protection responsibilities. The NHS Board must meet its corporate responsibilities which includes ensuring health staff have access to expert professional leadership and advice from Board designated Health Professional child protection leads.

Professional health leads for child protection will represent their Board at local, regional and national strategic and expert groups. In addition, they will advise the Health Board executive staff on child protection matters, contribute to the development of strategic planning arrangements, standards and guidelines.

The Public Bodies (Joint Working) (Scotland) Act 2014 contains a number of integration principles however, it did not change the regulatory framework within which health and social care professionals practice or the established professional accountabilities that are currently in place within the NHS and local authorities.

## Section 3 - Function of the Child Protection Committee

3.1 CPCs are the key local bodies for developing, implementing and improving child protection strategy across and between agencies, bodies and the local community. A CPC is expected to perform a number of crucial functions in order to jointly identify and manage risk to children and young people, monitor and improve performance and promote the ethos that ***“It’s everyone’s job to make sure I’m alright”***. CPCs must ensure all of these functions are carried out to a high standard and are aligned to the local Getting It Right For Every Child arrangements. This section sets out what those functions are and will assist a CPC in evaluating its own performance.

3.2 The functions are grouped as follows:

- continuous improvement
- public information, engagement and participation
- strategic planning and connections
- annual reporting on the work of the CPC

CPCs form subgroups or subcommittees to support their work. The number and composition of these vary from area to area. However, almost all areas have subgroups or subcommittees focussing on:

- quality assurance / self-evaluation / performance / improvement
- learning / development / training

### Public Information, Engagement and Participation

3.3 Keeping children and young people safe is everyone’s job and the CPC must be able to demonstrate that its work is informed by the perspectives of children, young people and their families. CPCs will maintain an overview of levels of knowledge and confidence in child protection systems within their area and address issues as required within their Improvement / Business Plans. Each CPC will develop, implement and regularly review a communications strategy that includes:

- raising awareness so that members of the public, including children and young people, know what child protection means and what to do if they have a concern for a child or young person
- explaining and promoting the role of services in protecting children and young people
- engaging with local communities to raise awareness of indicators of concern
- increasing understanding of the role that communities and all adults have in protecting children and young people
- involving children, young people and families in its design and delivery
- taking account of new and emerging risks



## Continuous Improvement

- 3.4 CPCs have a pivotal role in the continuous improvement of the protection of children and young people. A number of functions relate directly to this role. These are:

### *Policies, Procedures and Guidance*

Clear and robust inter-agency guidance is vital to the protection of children and young people.

Each CPC will:

- ensure that local child protection policies, procedures and guidance are informed by this guidance and the National Guidance for Child Protection in Scotland (2014)
- systematically develop, disseminate and review the effectiveness of inter-agency policies, procedures and guidance
- ensure that policies, procedures and guidance are developed around current and emerging issues where there is agreement that this is required

### *Data and Evidence*

CPCs will have an overview of performance from key services about their work to protect children and young people in line with the shared dataset. This will include qualitative and quantitative data on the effectiveness of services in improving the experiences of, and outcomes for, children in need of protection. They will ensure this is used to influence improvements in the quality of services to protect children and young people. CPC members will ensure that they have appropriate data collection arrangements and analytical capacity in place so that activity, trends and themes can be proactively identified and escalated. This should reflect the national child protection minimum dataset.

### *Quality Assurance and Self Evaluation*

CPCs have responsibility for the development and implementation of inter-agency quality assurance mechanisms. Each CPC will:

- establish systematic approaches to quality assurance and self-evaluation which focus on the experiences of, and outcomes for, children, young people and families
- use the learning from this activity to develop, implement and measure the impact of improvement plans

- involve key stakeholders including frontline staff, managers, children, young people and families in aspects of undertaking, reviewing and learning from quality assurance and self-evaluation activity
- take account of learning from sources including research; inspection locally and nationally; and other CPCs in order to promote good practice and contribute to improved outcomes for children and young people

### *Conducting Initial and Significant Case Reviews*

CPCs, on behalf of the Chief Officers, are responsible for undertaking any ICR and reporting / recommending a significant case review when the agreed criteria are met and they must do so in line with the most up-to-date relevant guidance. (See [National Guidance for Child Protection Committees for Conducting a Significant Case Review \(2015\)](#)).

CPCs must use the learning from ICRs/SCRs to promote good practice, improve practice and contribute to improved outcomes for children and young people across Scotland.

### *Learning and Development*

Learning and development for those in contact with children, young people and families must be undertaken at both single-agency and inter-agency level, in line with the [National Child Protection Learning and Development Framework](#). CPCs are responsible for publishing, implementing and reviewing an inter-agency child protection learning and development strategy. They should quality assure and evaluate the impact of that learning and development activity. The CPC Learning and Development strategy's aim is to ensure that each partner has a suitably skilled, confident and competent workforce to deliver the CPC's priorities and meet the needs for children and young people in their area.

## **Strategic Planning and Connections**

- 3.5 CPCs must ensure strong and robust strategic planning links to wider integrated children's services planning arrangements in their local area in order to ensure that the need for support and protection of children and young people can be comprehensively met in well designed, effective and sustainable local services, programmes and initiatives.

CPCs must link effectively with other multi-agency partnerships and structures locally, regionally and nationally, including Chair and Lead officer participation in Child Protection Committees Scotland.

## **Annual Reporting**

- 3.6 CPCs must produce and publish an annual report, endorsed by the Chief Officers, which sets out the work undertaken by the Committee, delivery against key performance measures in that year as well as identified priorities for the year ahead.

The reporting period for the annual report should be aligned with the reporting period for the shared dataset.

## Section 4 - Carrying out the Task

4.1 This section outlines how Chief Officers will ensure that the tasks of the CPC are carried out effectively. It covers the following:

- membership
- key roles and responsibilities
- CPC meetings
- business conducted out-with formal meetings
- ensuring that the work of the CPC is informed by the perspective of children and young people
- ensuring the work of the CPC is informed by ongoing information gathering and analytical assessment which identify trends; emerging patterns and developments and recommends future activities and priorities

### Oversight

4.2 Chief Officers Groups will appoint, or agree the appointment of, the chair of their Child Protection Committee, including their contractual arrangements and / or terms of reference, role and remit to include core components as described in this section. Chief Officers may appoint a chair from a single representative service or agency or appoint an independent chair. Chief Officers will appoint, or agree the appointment of, a vice chair and the rest of the committee members.

Chief Officers will ensure that the chair and vice chair fully understand their specific role, responsibility and remit and they have an in-depth knowledge of child protection. Chief Officers will agree their working arrangements, terms of office and reporting and accountability arrangements.

Chief Officers should ensure the CPC meet as required to sufficiently discharge their collective responsibilities. This should be no less than four full CPC meetings per annum.

Chief Officers will ensure that all members of their CPC are properly inducted, have access to child protection training, including interagency child protection training, and have protected time in which to fulfil their responsibilities before, during and after meetings. Chief Officers will also ensure that the work of the CPC is transmitted widely, so that it is understood and embedded into their respective service, agency or bodies child protection policy and practice arrangements.

Given the role of a CPC is to provide individual and collective leadership and direction for the management of child protection services, there are two important aspects to the membership of CPCs:

- level of authority
- representation

## **Authority**

- 4.3 Each Chief Officer must ensure that their representative on the CPC carries sufficient delegated authority to realise the objectives of the agreed annual Improvement/Business Plan on behalf of their agency. The agency representative will also be of a sufficiently senior grade or have the sufficient level of authorisation to make the required policy and resource commitments.

## **Membership of CPCs**

- 4.4 Members of CPCs will:

- represent the commitment of their agency to promoting the safety, welfare and wellbeing of children and young people, preventing abuse and neglect
- be aware of current issues concerning child protection, both locally and nationally, its relevance to the work of the CPC, and raise awareness of such issues
- promote collaborative leadership and partnership working in the delivery of high quality child protection services, and ensure that agreed standards of practice are met and maintained
- ensure obstacles and barriers to collaborative working are addressed and overcome
- have the delegated authority to make strategic decisions on behalf of their agency in relation to child protection
- reflect agency accountability in inter-agency decision-making
- facilitate communication between the CPC and their organisation and other relevant agencies and groups
- contribute their skill, knowledge and expertise to the work of the CPC

The CPC has the responsibility to ensure that members are able to maximise their contribution to its work. This includes:

- ensuring that they reflect the contribution that all agencies have to make to child protection work
- providing support and training opportunities for CPC members

## **Representation**

- 4.5 Membership of CPCs will be representative and inclusive. Differing structures across Scotland will mean that the same functions are likely to be fulfilled by departments with different names, so this section will require local

interpretation. As a minimum, the following agencies and groups will be represented on the core membership of the CPC:

- Social Work Children's Services (likely to be at Director and/or Head of Service level, and also the CSWO)
- Education Services (likely to be at Director and/or Head of Service level)
- Health Board (likely to be at Director, Child Health Commissioner and or consultant level)
- HSCP Representative – **in addition** to Health Board and Local Authority membership
- Police Scotland (likely to be at Detective Superintendent and/or DCI Public Protection level)
- Local Authority Housing Services (likely to be at Head of Service level)
- Local Authority Legal Services (likely to be at Head of Service level)
- Scottish Children's Reporter Administration
- The Third Sector (likely to include senior officers in a representative role, as well as acting for specific organisations)
- Child Protection Lead Officer

Membership may also include:

- Scottish Fire and Rescue Service
- Armed Forces Welfare, in authorities where there is a significant presence
- The independent education sector, in authorities where there is a significant presence

The CPC should consider cross representation with other bodies where this will enhance the capacity of agencies to protect children and young people.

### **Role of the Crown Office and Procurator Fiscal Services (COPFS)**

4.6 The Crown Office and Procurator Fiscal Service (COPFS) recognises the importance of child protection and its relevance to COPFS functions with regard to the investigation and prosecution of crime. Child protection is one among a number of issues which Procurators Fiscal (PFs) must be alert to in carrying out their investigative and prosecutorial functions. Accordingly, PFs of a sufficiently senior level will attend CPCs by invitation.

Mostly, the COPFS will have a part to play in respect of agenda items related to PF/police investigations into, or proceedings involving, the abuse of children; a situation where other children are at risk in some way; or the death of a child. The COPFS is structured by specialist functions. The appropriate COPFS representative will be dictated by the nature of the specific child protection issue. When inviting the COPFS to attend CPC meetings, CPC chairs are encouraged to specify the issue for discussion to enable appropriate COPFS representation.

### **Third Sector Organisations**

- 4.7 It is essential that the Third Sector is fully engaged in the protection of children in their area, including the area's prevention and early intervention plans and strategies. This must include representation of the Third Sector at the CPC. However, given the diversity and depth of the sector, it is recognised that this, of itself, is not sufficient to ensure the Third Sector has the opportunity to be aware of and help inform the child protection agenda. Each CPC will:
- engage the Third Sector in effective partnership working to protect children and young people. This should include but not be limited to, the area's Integrated Children's Services Planning Group
  - seek to maximise the contribution to the protection of children by the Third Sector
  - where one does not already exist, establish a forum to engage locally with the Third Sector more widely in relation to child protection
  - as part of the area's audit and self-evaluation processes for all its children's services, the extent to which the Third Sector is meaningfully involved in the above, must be assessed

### **Key Roles and Responsibilities**

#### *Chair of the CPC*

- 4.8 The chair of the CPC is responsible for:
- chairing meetings of the CPC, and ensuring that they are conducted in a manner that reflects the contribution that all agencies have to make to child protection
  - leading the work of the CPC to effectively fulfil its functions such that a demonstrable continuous improvement of the inter-agency child protection arrangement is achieved
  - managing the Lead Officer (see below), who will be accountable to the CPC whatever the employment arrangements put in place, on behalf of the CPC

(**Note:** The Lead Officer will report to the chair of the CPC, however, the day-to-day management of the Lead Officer could be undertaken within one of the agencies by local agreement, but this must not confuse the clear management and accountability of the Lead Officer to the CPC through the Chair).

- ensuring the development and delivery of the CPC Improvement / Business Plan and annual report
- negotiating the resource requirement necessary for the work of the committee
- ensuring child protection specific issues are appropriately raised and taken account of in local children's services planning processes
- ensuring that the CPC collaborates with other CPCs
- reporting and being accountable to the Chief Officers Group and reporting progress and issues regularly
- maintaining links with Scottish Government and Child Protection Committees through the established national network of meetings
- keeping the committee informed of national developments and ensuring that best practice is promoted
- contributing to development of policy and practice at national level
- providing leadership and guidance in relation to the need to carry out Significant Case Reviews

The Chair will have considerable experience in both inter-agency working and child protection, and be either a senior officer from one of the key agencies or an independent person appointed specifically to the task. In either case, the appointment will be made by Chief Officers or agreed by them.

#### *Lead Officer of the CPC*

4.9 A CPC requires dedicated staff time and resources to support the implementation and delivery of its core functions as required by this guidance. The level and configuration of that dedicated resource is a matter for agreement with Chief Officers.

It is important that the title and role of the Lead Officer of the CPC is clearly distinct from other roles elsewhere in the child protection system.

4.10 Each CPC will have:

- as a minimum, a Lead Officer to implement its core functions



- an inter-agency training co-ordinator, or specific training capacity to ensure the delivery of training and staff development on an inter-agency basis

It may be appropriate for some CPCs to enter into arrangements to share such posts or, indeed, to engage additional officers (professional and clerical) as required to support and execute its functions as agreed with Chief Officers.

The employment arrangements for these officers must fully reflect their status as officers of the CPC and their direct accountability to the CPC itself. It is recognised that across Scotland there are differences in terms and conditions for inter-agency staff. It is beyond the scope of this guidance to stipulate terms and conditions for Lead Officers. This is a matter for local agreement. However, Lead Officers will be of sufficient seniority to carry authority with partner agencies/bodies.

## **Delivering the Plan**

4.11 The CPC will establish mechanisms to ensure that the Improvement / Business Plan of the CPC is carried out. It is for the CPC, in conjunction with Chief Officers, to determine the most suitable arrangements for their local authority area. Each CPC will:

- identify the most appropriate mechanisms for their local authority area whether these are standing working groups or other mechanisms (see para 3.2 above)
- ensure that these mechanisms are reflected in the constitution of the CPC
- ensure that there is a clear remit with regard to their connection with the work of the CPC itself
- ensure that there is a clear and direct link to the CPC

CPCs should consider the sharing of working groups with others as a means of streamlining planning efforts, helping develop and deliver integrated services and avoiding duplication. An example of this would be a joint ADP/CPC working group to consider children and young people affected by substance misuse.

## **Involving Children and Young People and their Families**

4.12 The perspectives of children and young people and their families will be clearly evidenced in the work of the CPC, and it is vital that this area is not addressed in a tokenistic manner.

#### 4.13 Each CPC will:

- be able to demonstrate that its work is informed by the perspective of children and young people, including the most vulnerable and those with direct experiences of child protection services
- review and develop their strategy for doing so
- ensure that children and young people are involved in the development and implementation of the CPC's public information and communication strategies

There are a number of ways of doing this, and it is envisaged that this area will develop over time. It is not possible to be prescriptive about the methods to be employed. However, for illustration these could include:

- drawing on the experience of the voluntary sector in eliciting the views of children and young people
- receiving regular reports from Children's Rights Officers, Who Cares? Scotland and Advocacy organisations on the views of children and young people
- commissioning independent surveys, either individually or collectively with other CPCs, on the views of children and their families
- improving decision-making and recording practices to ensure that the views of children and families are better able to be gathered together and reflected
- promoting the establishment of community-based advocacy services for children and young people
- ensuring that the views of children and young people are accounted for through the application of inter-agency quality assurance mechanisms

## **References**

[Children \(Scotland\) Act 1995](#)

[Local Government in Scotland Act 2003](#)

[National Framework for Child Protection Learning and Development \(Scottish Government 2012\)](#)

[National Guidance for Child Protection in Scotland \(2014\)](#)

[Children and Young People \(Scotland\) Act 2014](#)

[Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#)

[Community Empowerment \(Scotland\) Act 2015](#)

[National Guidance for Child Protection Committees: Conducting a Significant Case Review \(Scottish Government, 2015\)](#)

[Statutory Guidance on Part 3 \(Children's Services Planning\) of the Children and Young People \(Scotland\) Act 2014 \(Scottish Government, 2016\)](#)

[National Guidance for Child Protection Committees for Conducting a Significant Case Review \(2015\)](#)

[National Child Protection Learning and Development Framework](#)

[The Report on the future delivery of public services \(Christie, 2011\)](#)

# Appendix 1

## Partnership Assessment Tools

### Introduction

This appendix briefly describes and provides links to a number of publicly available resources aimed at supporting partnership working. [Report on the Future Delivery of Public Services](#) by the Commission chaired by Dr Campbell Christie, published in 2011, outlines the importance of partnership in improving outcomes in public services. Further developments since, such as the [Community Empowerment Act](#) (2015) and the [Public Bodies \(Joint Working\) \(Scotland\) Act](#) (2014) have continued to emphasise effective partnership working as central to the Scottish Approach to public service reform.

There is comprehensive literature outlining good practice in partnership working, and the following list is not intended to be exhaustive. While many of the following resources have been designed for use in specific contexts, CPCs may find them useful in considering how to assess and improve their effectiveness.

### Partnership Assessment Tool

The Strategic Partnership Taskforce in the Office of the Deputy Prime Minister commissioned the Nuffield Institute at the University of Leeds to provide a tool that local authorities can use to assess partnership relationships and aid the achievement of successful partnership working.

The tool draws heavily on the research carried out by the Institute that had been successful for health and social care partnerships. With input from Strategic Partnering Pathfinders, the tool has been adapted for the wider local government service areas and with a particular focus on strategic partnerships.

It is quick and simple to use and provides a practical way for senior officers, project managers and others to implement meaningful partnerships that will make a difference to the lives of the citizens in their area.

### [Assessing Strategic Partnerships](#)

### What Works Scotland

[What Works Scotland](#) is a collaborative initiative to improve the way local areas in Scotland use evidence to make decisions about public service development and reform.

Its focus is on working to enhance public service reform through sharing its knowledge of what works and increasing its engagement with people responsible for designing, delivering and using public services.

What Works Scotland provides a wide range of resources and research designed to support partnership working.

The following link takes you to resources associated with a Partnership Seminar held in December 2015. Among the resources are Partnership Working Tools Guidance and Partnership Processes Results guidance, both of which are designed to help partnerships consider and develop frameworks that support partnership working, and put evidence into practice.

[A collection of presentations and resources from the What Works Scotland Partnership Seminar held in Edinburgh on 3 December 2015.](#)

## **The Improvement Service**

The [Improvement Service](#) (IS) is the national improvement organisation for local government in Scotland.

It aims to help councils and their partners to improve the health, quality of life and opportunities of all people in Scotland through community leadership, strong local governance and the delivery of high quality, efficient local services.

It aims to do this by providing a range of products and providing advisory services including consultation and facilitation, learning and skills, performance management and improvement, and research.

The Improvement Service has developed a [Partnership Checklist](#). Although designed specifically for use by CPPs in order that they can assess their own performance against the expectations placed on them by the Community Empowerment Act (2015), the checklist also focuses on areas derived from research evidence and good practice concerning what makes for effective, outcome-focused partnership working.

## **Iriss**

[Iriss \(the Institute for Research and Innovation in Social Services\)](#) is a third sector organisation promoting positive outcomes for citizens accessing support in Scotland.

In January 2018, it published. [Partnerships & CO: Conversation Openers](#). This resource was created to help support those planning a partnership or wishing to reflect on and take stock of an existing partnership.

This tool aims to provide a framework for navigating conversations that can support an effective partnership.

## **Appendix 2**

### **Legal Context**

The legal context for CPCs is to be found within the legislation set out below.

#### **Children and Young People (Scotland) Act, 2014**

Among a wide range of provisions aimed at “making Scotland the best place in the world for children to grow up”, this Act establishes a structure for the integrated planning and delivery of all children's services in a local authority area.

Part 3 (Children's Services Planning) requires local authorities and health boards to take a strategic approach to the design and delivery of a wider view of services used by children and families than those previously set out in the Children (Scotland) Act 1995.

Section 8 requires every local authority and its relevant health board to jointly prepare a Children's Services Plan for the area of the local authority, in respect of each three-year period.

A range of other relevant local and national bodies are expected to be either consulted with, or obliged to participate, at various stages of the development of the plan. The Act also requires the local authority and relevant health board to jointly publish an annual report detailing how the provision of children's services and related services in that area have been provided in accordance with the plan.

#### **Children (Scotland) Act 1995**

This Act sets out the duties of a local authority to publish information about services for children, provided by them for children in their area or which are provided for these children by other local authorities. They may also, where they consider it appropriate, publish information about services provided by voluntary organisations and by others (section 20).

The Act also permits the local authority to request help, in the exercise of their functions in children's services, from a range of persons specified and imposes an obligation on the person requested to provide help, unless where doing so would not be compatible with that person's own statutory or other duties (section 21).

Section 20 deals with the duties of a local authority to publish information about services for children, provided by them for children in their area or which are provided for these children by other local authorities.

## **Community Empowerment (Scotland) Act 2015**

Part 2 of the Act replaces community planning provisions in the Local Government in Scotland Act 2003 and provides a statutory basis for Community Planning Partnerships (CPPs). Community Planning is a process that helps public agencies to work together and with the community to plan and deliver better services that make a real difference to people's lives. Part 2 came into force on 20 December 2016.

The purpose of community planning is improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1.

Schedule 1 of the act lists all the bodies considered to be community planning partners of the local authority, including the Chief Constable of Police Scotland, NHS boards and any Integration Joint Board established by the Public Bodies (Joint Working) (Scotland) Act 2014.

The CPP must prepare and publish a local outcomes improvement plan (LOIP) that sets out the local outcomes the CPP will prioritise for improvement.

Tackling inequalities will be a specific focus. They must also produce 'locality plans' at a more local level for areas experiencing particular disadvantage. All partners must take account of these plans in carrying out their functions and must contribute appropriate resources to improve the priority outcomes.

Participation with communities lies at the heart of community planning. CPPs must support community bodies to participate in all parts of the process, in the development, design and delivery of plans and in review, revision and reporting of progress.

## **Local Government in Scotland Act 2003**

Part 3 of the Act deals with the power to advance wellbeing. This sits alongside community planning and allows a local authority to do anything to promote or improve the wellbeing of persons, either generally or a particular group within the authority's area.

## **Public Bodies (Joint Working) (Scotland) Act 2014**

This Act provides a legislative framework for the integration of health and social care services in Scotland. The Act removes community health partnerships from statute and places a duty on local authorities and NHS boards to integrate the governance, planning and resourcing of adult social care services, adult primary care and community health services, and some hospital services. A total of 31 health and social care partnerships (HSCPs) have been established, with a jointly agreed integration scheme for each setting out key arrangements for the integration of services.

The Act also allows for the integration of other areas of activity, such as children's health and social care services.



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