

# Recent Developments in Child Protection Policy and Practice in Scotland and the UK

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## **Introduction**

Over the years, the deaths of children have driven changes in policy and practice in child protection in the UK. Two recent child deaths, Kennedy McFarlane in Scotland and Victoria Climbié in England have led to major reviews of child protection systems. This presentation will outline the changes and the implications for policy and practice.

In Scotland, Kennedy McFarlane was killed by her mother's partner. The report into the circumstances of her death identified deficiencies in clinical and professional practice, and in inter-agency communication. It concluded that the child's death had been avoidable. A number of opportunities to identify the risks to Kennedy McFarlane and for effective intervention had arisen. Lack of effective communication between social work and health professionals had meant that a formal child protection investigation had not been triggered.

"No one had put all the pieces of the puzzle together creating a total picture of escalating harm within the context of a family in need,..." (Hammond, 2001)

Following the recommendations of the report, the Scottish Executive established a major Review of Child Protection in Scotland. This review reported in 2003 and the recommendations of this review are now being taken forward in Scotland (Scottish Executive, 2003).

In England, the case of Victoria Climbié highlighted similar major failings in the child protection system. Victoria Climbié died at the hands of her great aunt and her aunt's partner. The post mortem recorded evidence of no fewer than 128 separate injuries, following 11 months of the most horrendous abuse (Laming, 2003). Victoria Climbié was known to no less than three housing agencies, four social services department, two child protection teams of the Metropolitan Police Service, a specialist child protection centre, and was admitted twice to hospital.

“The extent of the failure to protect Victoria was lamentable. Tragically, it required nothing more than basic good practice being put into operation. This never happened.” (Lord Laming, 2003)

Lord Laming’s inquiry identified a gross failure of the child protection system: poor investigation, failure to follow procedures; poor communication and poor quality information; inadequate client information systems; and failure of management in relation to staffing and resources to offer quality family support. Lord Laming made some 108 detailed recommendations and major reforms have been taken forward in the Green Paper ‘*Every Child Matters*’ and the subsequent Children Bill.

## **Child Protection Statistics in Scotland**

There are approximately 1 million children in Scotland. Although impossible to measure the real extent of child abuse and neglect, the following figures give some indication.

- 8,033 children referred to local authorities for child protection inquiries in 2002 – 2003
  - This is a 26% increase since 1997
  
- 2,446 children were placed on Child Protection Registers<sup>1</sup> in 2002 – 2003
  - Physical injury (31%)
  - Sexual abuse (12%)
  - Emotional abuse (17%)
  - Physical neglect (39%)
  - Other (1%)
  
- 2,289 children were on Child Protection Registers on 31<sup>st</sup> March 2003 (Scottish Executive, 2003a)

## **Child Protection Review in Scotland**

The Child Protection Review used a range of methods to look at the operation of the child protection system in Scotland. It undertook a number of consultations, studies and surveys in order to gain the views of children, parents and professionals. Central to the review was an audit of 188 child protection cases (Scottish Executive, 2003b).

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<sup>1</sup> The Child Protection Register, held by social work services, is a list of children who are thought to be at risk of abuse. It highlights that these children are in need of special attention. All children on the Child Protection Register will be the subject of a Child Protection Plan which will ensure that agencies will share information and work together to support the child and family.

The main findings of the audit of cases was that:

- there were problems in communication between agencies around the referral process; referrals were frequently made by telephone and not followed up in writing as agency guidelines stipulate.
- Many investigations were poorly recorded across professions. Some investigations were narrowly focused and not as extensive as they should be.
- Assessments of what immediate action needed to be taken were generally sound but longer-term assessment of the risks to children was poor.
- There was an absence of clear, well-focused records.
- The quality of multi-professional case conferences was variable (lack of involvement of key personnel; failure over a significant period of time to clearly assess needs; lack of clarity as to whether the child's or the parents' needs took priority; lack of a clear plan of action; confusion between activity and progress; and uncertainty over the means of decision making)
- The views of children were often not fully considered
- Good workers made a real difference to the outcomes for children. Overall there was a shortage of skilled workers with time to offer children practical and emotional support.

The Review team assessed the outcomes of 179 cases (they were unable to draw conclusions for 9 cases because of insufficient information).

- 40 children (22%) were not protected or their needs were not met following the intervention of agencies;
- 62 children (35%) were only partially protected or their needs only partially met;
- 77 children (43%) were protected and their needs were met;
- But in only 24 of these cases (13%) were the needs of the children well met.

The Review concluded that:

“Where children were unprotected or their needs were not met, the failures of the system were either multiple or related to one significant aspect of the case. In most cases a significant weakness was a lack of assessment of a child's needs and many cases also suffered from poor investigations or lack of thoroughness in enquiries” (Scottish Executive, 2003b, p. 88)

In contrast, good practice was exemplified in meeting need and protecting children when:

- the direct provision of help to parents and children was given as and when it was needed;
  - there was a helpful and timely response and early thought and preparation; and
  - the source of the risk was properly addressed)
- (Scottish Executive, 2003b, p. 87)

## **Developments in Scotland.**

The Child Protection Review made a number of recommendations which are currently being taken forward. In addition, there have been parallel developments such as the establishment of the role of Commissioner for Children and Young People.

### *Children's Charter*

The Children's Charter was developed by Save the Children in consultation with children who have experienced harm and been in need of help and protection. The Charter comprises 13 statements derived from the consultation process with children and young people:

- Get to know us
- Speak with us
- Listen to us
- Take us seriously
- Involve us
- Respect our privacy
- Be responsible to us
- Think about our lives as a whole
- Think carefully about how you use information about us
- Put us in touch with the right people
- Use your power to help
- Make sure things happen when they should
- Help us be safe

(Scottish Executive, 2004a)

In responding to these clear messages from children and young people, the Scottish Executive gives a pledge that children and young people who are at risk of abuse or neglect will:

- Get the help you need when you need it;
- Be seen by a professional such as a teacher, doctor or social worker to make sure you are alright and not put at more risk;
- Be listened to seriously, and professionals will use their power to help you;
- Be able to discuss issues in private when, and if, you want to;
- Be involved with, and helped to understand, decisions made about your life; and
- Have a named person to help you.

The Executive further pledges that those helping children and young people who are at risk of abuse or neglect will:

- Share information to protect you;
- Minimise disruption to other parts of your life;
- Work together effectively on your behalf;
- Be competent, confident, properly trained and supported; and
- Rigorously monitor services to continually improve how and what is done to help you.
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### *Framework for Standards in Child Protection*

Based on the Children's Charter, a Framework for Standards has been developed. This will form a part of a set of materials and activities which will be further developed with agencies, professionals and others, during the years 2004/2005. The overall package will include:

- Protecting Children and Young People: The Charter
- The Framework for Standards
- Supporting materials which describe the level of performance against which existing practice can be reliably evaluated or measured; and
- Supporting activities to assist in the implementation of standards across all agencies.

(Scottish Executive, 2004b)

The Framework for Standards has four main objectives:

- It makes clear what children and their families can expect from those professionals and agencies responsible for the protection of children reflecting the commitments made to children in the Charter;
- It sets out the practice required from those agencies and professionals to deliver against those commitments;
- It provides a framework for agencies' own evaluation of their performance; and
- It will help inform the development of multi-disciplinary inspections of child protection services.

There are eight headline standards:

- Standard 1: Children get the help they need when they need it;
- Standard 2: Professionals take timely and effective action to protect children;
- Standard 3: Professionals ensure children are listened to and respected;
- Standard 4: Agencies and professionals share information about children where this is necessary to protect them;
- Standard 5: Agencies and professionals work together to assess needs and risks and develop effective plans;
- Standard 6: Professionals are competent and confident;

- Standard 7: Agencies work in partnership with members of the community to protect children;
- Standard 8: Agencies, individually and collectively, demonstrate leadership and accountability for their work and its effectiveness.

Each standard has a number of more detailed expectations; for example – Standard 1: Children get the help they need when they need it:

- *1 Professionals can demonstrate that they:*
  - prevent abuse by supporting vulnerable families and tackling problems early;
  - respond to the concerns of each child and their parents;
  - provide help promptly;
  - respond to changing circumstances; and
  - make sure the most effective alternative is found when the ideal service is not available.
- *2 Professionals*
  - work together to assess needs and risks;
  - share information;
  - jointly plan; and
  - demonstrate that services are provided in a co-ordinated way
- *3 When in need of help, a child has a named person with an agency as their main contact*
- *4 When more than one agency is involved in providing help, one professional is identified to take the lead role in co-ordinating assessments, plans and reviews.*
- *5 Professionals and agencies help parents to meet their children's needs but also ensure that each child receives the necessary help if their parents cannot, or will not, accept help on their behalf.*
- *6 Professionals record or take account of:*
  - any disabilities of any family member which might influence the kind of help or care provided for each child; and
  - each child or family's ethnic, religious, cultural and linguistic background.
- *7 In addition to meeting immediate need, professionals identify and provide the help needed to enable children to overcome the longer-term effects of abuse or neglect. The provision of necessary help will not be delayed pending legal or other processes.*

On the basis of the Framework of Standards, a new rigorous multi-disciplinary inspection of child protection services is to be established. Although details of these inspections have not yet been elaborated, it is envisaged that they will be modelled on the inspection services of the new national agency, the Care Commission, which has

responsibility for independent inspection of a wide range of care services, for example, early years services, residential child care and foster care services.

### *Review of Child Protection Committees*

Local Child Protection Committees are the multi-disciplinary forum for inter-agency co-operation and have a major strategic role in allowing agencies to share resources and ensure their effective and efficient use. Their main functions are to:

- ensure that local inter-agency guidelines on procedures to be followed in individual cases are produced, maintained and regularly reviewed and that the procedures, including referral procedures, are known about by those who may need to know;
- promote good inter-disciplinary practice in preventing and dealing with the causes and effects of child abuse;
- assess issues of significance in collaborative working which arise from the handling of cases and from reports on inquiries;
- review arrangements for providing expert advice and inter-agency liaison;
- monitor and review information about the operation of the Child Protection Register;
- identify inter-agency training needs and take a leading role in developing and promoting inter-disciplinary training programmes.

The Child Protection Review found that Child Protection Committees focused on training, cooperation and guidance and paid less attention to quality or practice issues. Recently, a few committees have developed programmes for community awareness raising and preventative strategies; and developed mechanisms for reviewing cases and inter-agency working. The Review recommended that the role and remit of Child Protection Committees should be revised to include:

- annual auditing and reporting, to constituent agencies and to the Scottish Executive, on the quality of agency and inter-agency work;
- the provision of information to members of the public, volunteers and other professionals;
- assisting a wider range of organisations to help prevent abuse and neglect through training for staff and volunteers;
- the development of safe recruitment practices for agencies working with young people.

It also recommended that the structure, membership and scope of Child Protection Committees should be reviewed and this is currently under way.

### *Commissioner for Children and Young People*

There has also been an increasing demand for the establishment of the role of Children's Commissioner in the UK (Elsley, 2002). Children's Commissioners or Ombudsmen have been established in a number of countries throughout the world.

Following the clear recommendation of a major tribunal into cases of abuse in residential and foster care in Wales (Waterhouse, 2000), an independent Children's Commissioner for Wales has been established.

In May 2003, the *Commissioner for Children and Young People (Act) 2003* received Royal Assent. The primary functions of the Commissioner are laid down in the act and are:

- promoting and safeguarding the rights of children and young people; having regard to the UN Convention on the Rights of the Child;
- promoting the best interests of children and young people as a primary consideration;
- promoting the views of children and young people on all matters affecting them; encouraging equal opportunities;
- involving children and young people in the work of the Commissioner;
- carrying out investigations into whether service providers have given due regard to the rights, interests and views of children and young people; and
- producing and publishing reports on the Commissioner's work and investigations.

The first Commissioner for Children and Young People, Prof. Kathleen Marshall, took up her position in April 2004. Making an immediate mark in relation to protecting children, Prof. Marshall called for an increase in income tax in order to pay for improvements in the over-stretched child protection agencies.

## **Developments in England**

Following the death of Victoria Climbié, legislation is going through parliament in England which will bring about even more radical changes than in Scotland. A new duty is to be placed on agencies to cooperate among themselves and with representatives from other local groups, to improve the well-being of children and young people so that all agencies work to common outcomes. In outline these changes include:

- Directors of Children's Services
  - To provide strategic co-ordination of local education, health and social services. Local authorities will be able to amalgamate their education departments and children's social services if they decide this is the best way of improving child welfare. A senior councillor will be appointed to take political responsibility for local children. Local education authorities, children's social services, the youth advice service, some local health services will be able to pool their children's budgets, leading to the creation of multi-purpose children's trusts in all areas by 2008



- Local Safeguarding Children's Boards
  - A tighter focus on child protection through a duty on key agencies to safeguard children and promote their welfare through new Local Safeguarding Children Boards has been introduced. Local safeguarding children's boards are to be established with a statutory footing in each area, replacing area child protection committees
  
- Information database on children
  - creation of an electronic file on every child in the country, so that those at risk of abuse, neglect, deprivation, offending or poor school performance can be helped before they reach crisis point. Social services, education services, the NHS and other agencies will be able to share information about any suspicion of abuse or neglect in the family.
  
- Children's Commissioner
  - Is to be concerned in particular with the views and interests of children in relation to: their physical and mental health; their protection from harm and neglect; their education and training; the contribution made to them by society; and, their social and economic well-being.
  
- Monitoring and inspection of children's services
  - introduces an integrated inspection framework to assess how well services work together to improve outcomes for children.

These are the first steps in a continuing development of child protection services in England and Wales.

## **Conclusion**

Deaths of vulnerable children have driven a radical agenda to improve child protection services in the UK. There is still concern that these changes will not be enough to protect children because of severe shortages of staff and resources, particularly in social services child protection. In both Scotland and the rest of the UK, the importance of widening the focus of child protection to promote community awareness and involve the wider society is stressed. However, in a society which still allows the corporal punishment of children, and in which large numbers of children and families live in poverty, it is questionable how successful the organisational and structural changes to child protection services will be. It will be essential to focus on the messages of the Children's Charter and keep the voice of vulnerable children and young people to the fore in the continuing struggle against child abuse and neglect.

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