

Scottish Government Consultation on the revised National Guidance for Child Protection in Scotland 2020

The National Carer Organisations welcome the opportunity to respond to Scottish Government's consultation on the revised National Guidance for Child Protection in Scotland 2020. There are seven National Carer Organisations in Scotland: Carers Trust Scotland; Carers Scotland; Coalition of Carers in Scotland; Crossroads Caring Scotland; MECOPP (Minority Ethnic Carers of Older People Project); Shared Care Scotland; and the Scottish Young Carers Service Alliance. Together we have a shared vision that all Scotland's unpaid carers will feel valued, included, and supported as equal partners in the provision of care. The National Carer Organisations aim to achieve this through the representation of unpaid carers and giving them a voice at a national level.

Q1: Advice and Accessibility – This guidance seeks to provide advice to local partnerships and agencies to inform the development of local guidance, and has been structured in sections that are intended to be standalone and accessible to practitioners seeking advice on particular aspects of practice.

a) In your view, does the guidance fulfil these objectives?

Yes, the Draft National Guidance is comprehensive and should provide detail and guidance for those looking for advice on a particular aspect of practice.

Q2: Legislative and Policy Development – This revised guidance seeks to reflect legislative and policy developments since 2014 and include relevant learning from practice and research.

a) Are you aware of any additional legislative or policy developments, research or practice that should be included?

To Some Extent.

b) If so, please provide further details.

Page 56, section 136 of the Draft National Guidance discusses Young Carers Services. It is important to note that teachers, GPs, young carer services and other youth professionals are also well placed to identify young carers.

Scottish Government in 2019 introduced Young Carer Grant, a yearly payment of £305.10 (in financial year 2020-2021). This is delivered by Social Security Scotland and is available for 16-18 years olds who live in Scotland who spend an

average of 16 hours caring for someone who receives a disability benefit and are not entitled to Carer's Allowance on the day they claim. This is another route to identifying young carers who may be vulnerable and to signpost them to appropriate support.

In 2020, Carers Trust Scotland undertook survey work on the impact of Coronavirus on young carers and young adult carers in Scotland. From this the *2020 Vision: Hear Me, See Me, Support Me and Don't Forget Me* paper was produced: <https://carers.org/downloads/scotland-pdfs/2020-vision.pdf>. The findings illuminated the struggles of young carers accessing food, taking on increased caring responsibilities and the impact on their mental health and education. The findings of this paper should be included when considering the impact of Coronavirus and the emotional and physical wellbeing of young carers and the potential impact to their education and life.

Also in 2020, Carers Trust Scotland published research into the barriers for student carers accessing, maintaining and succeeding in further and higher education in Scotland. This research explored the experiences of all student carers including adult unpaid carers entering further and higher education. *The Student Carer Experience in Scotland* report <https://carers.org/downloads/scotland-pdfs/the-student-carer-experience-in-scotland.pdf> highlights the challenges that many student carers experience in attending class, completing coursework and socialising, while balancing caring responsibilities. It can be difficult to identify student carers early for support, meaning that many present at crisis point where there is little recourse for action. The research reinforces that college and university staff are well positioned to identify unpaid carers and to signpost to and offer them appropriate support. Although this research explored the experiences of student carers of all ages, the emerged themes and learning should be considered in relation to child protection and transition for older young carers who attend or plan to attend further or higher education.

Q3: GIRFEC Practice Model – Our aim is to ensure that the guidance is fully integrated with the language and core components of the Getting it right for every child (GIRFEC) practice model.

a) Do you think the revised National Guidance for child protection is integrated with the GIRFEC practice model?

Yes.

b) Please explain your answer.

The Draft National Guidance is underpinned by a preventative approach that effectively links into Getting It Right for Every Child (GIRFEC) practice model. The child protection guidance consistently references the United Nations Convention on Rights of the Child (UNCRC) which underpins the GIRFEC approach. National Carer Organisations welcome this as incorporation of the

UNCRC into Scots Law approaches. Article 12 is underpinned throughout the GIRFEC practice model as every plan must include the views of the child and their family. The child protection guidance is also underpinned by this article, in that the child's experiences and views must be considered and taken seriously by practitioners throughout the child protection process. In October 2020, young adult carers gave evidence to the Equality and Human Rights Committee on the UNCRC Incorporation (Scotland) Bill, detailing articles that impact young carers' lives. Article 12 was included in this discussion, in that young carers' lives are very different with the involvement of many public bodies, therefore respecting their views and experiences is crucial.

The core components of the GIRFEC practice model also link in well with this Draft National Guidance, as they provide practical steps to planning and assessment. Reference to the eight wellbeing indicators ensures that practitioners adopt a holistic approach in assessing the wellbeing needs of children. The "resilience matrix"¹ also supports practitioners in assessing risks and concerns in a child's world. This holistic approach is reflected within the Carers (Scotland) Act 2016. Young Carer Statements consist of an outcomes-based conversation about young carers' personal circumstances, the impact this has on their wellbeing and whether the care provided is appropriate. This assessment ensures that young carers are identified, their needs are assessed and ultimately, inappropriate caring is prevented.

"My World Triangle" also considers the risks present in a child's life, examining the child, their family and wider environment. Reference to this component of the GIRFEC practice model supports practitioners throughout the child protection process to gather appropriate information regarding the strengths and concerns within an investigation. It should also be noted that language throughout the Draft National Guidance links well with the GIRFEC practice model, particularly reference to "the child's world."

Finally, we welcome the multi-agency approach which is promoted throughout the GIRFEC practice model and the child protection process. There are many examples of how this has worked in practice for young carers who benefit from a multi-agency approach.

Q4: Practices and Processes – Part 3 seeks to accurately and proportionately describe the practice and processes critical in the protection of children.

a) Are there any practices or processes that are not fully or clearly described in the guidance?

To Some Extent.

b) If so, please state which processes/practices are not fully or clearly described and suggest how the description could be improved.

¹ [GIRFEC National Practice Model - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Page 87, section 10 refers to other children affected. Young carers are often reluctant to disclose their caring roles due to fear of social work or other professional involvement. Many young carers if given the choice would not give up their caring responsibilities and are anxious that professionals, including social work, may take over or remove them from the cared for person. We understand that there are circumstances where a young carer has to be removed for their own protection but advocate where possible that siblings are kept together. There would be less anxiety and worry about professional involvement with young carers if more work was done with children and young people about the roles of these professionals, such as social workers.

In October, young adult carers gave evidence to members of Equalities and Human Rights Committee on UNCRC Incorporation into Scots Law. Whilst they believe all articles of the UNCRC are important and will positively impact children and young people including young carers, one of the articles they highlighted that was important to them was Article 9 keeping families together.

"We don't want to talk about what's going on at home cause we don't want like social work becoming involved as in the case of so many people I know."
(Young carer, 15)

Page 94, section 48 refers to a national pilot and training programme that will support implementation of the Scottish Child Interview Model from 2020. The National Carer Organisations would welcome further information on the pilot and training programme and would also ask that young carer services are included as part of the pilot and training programme. Young carer workers have developed good relationships with young carers that has been built up over time through various methods of support. They are often best placed to explain processes and procedures relating to children protection, including the Scottish Child Interview Model to young carers and can help support them during the process.

"I would rather speak to my carers service."
(Young Carer, 14)

The National Carer Organisations would also recommend that easy read resources with no acronyms or jargon are available to children and young people explaining the revised National Guidance for Child Protection in Scotland 2020.

Q5: Assessment Section – A new section of this National Guidance (Assessment part 2b) provides advice about child protection assessment practice.

a) Is this section sufficiently clear and does it cover all of the aspects you would expect?

Yes.

The National Carer Organisations welcomes that the child protection processes are outlined fully and clearly in this section and are underpinned by the consideration of rights, relationships, and resilience. We would like to see awareness raising sessions on young carers and the challenges they may face, so that those young carers who are supported by a young carer service will have that service involved in any assessment that takes place. It would also allow statutory staff to make links with and refer young people who are receiving specialised support on to young carer services.

Q6: Description of child protection processes and procedure – This National Guidance covers the consideration, assessment, planning and actions that are required, when there are concerns that a child may be at risk of harm. It also provides direction where child protection procedures are initiated. This is when Police, Social Work or Health determine that a child may have been abused or may be at risk of significant harm and an Inter-agency Referral Discussion (IRD) will take place.

a) Are the processes and procedures that lead to and follow IRD clearly described within the Guidance?

Yes.

b) Please provide additional comments.

The National Carer Organisations agree that the processes and procedures that lead to and follow IRD are clearly described within the Draft National Guidance. In relation to young carers and where appropriate, we would encourage seeking support of local young carers services, as they are often working with the whole family and will be able to provide crucial and relevant information to the IRD.

Q7: Integration of health guidance – We have integrated previously separate guidance for health practitioners into the revised guidance and more clearly defined the key role of health in protecting children at risk of harm from abuse or neglect.

Do you have any comments on specific aspects for health practitioners?

Health professionals – such as School Nurses, GPs, Pharmacists and Community Health Teams – are well placed to identify young carers and any potential child protection concerns. Health professionals working with the cared for person are also well positioned to identify young carers through their work. It is vital that health professionals who are likely to encounter young carers undertake unpaid carers awareness training. This will ensure that they have a better understanding of young carers, their rights, the responsibilities that they may have for the cared for person and the holistic support that is available. It is imperative that health professionals recognise young carers as Equal Partners in Care <https://learn.nes.nhs.scot/22660/person-centred-care->

[zone/carers/equal-partners-in-care](https://carers.org/policy-and-strategic-influencing-in-scotland/triangle-of-care-supporting-carers-of-people-experiencing-mental-health-problems-in-scotland). This will also help to make a positive difference and improve outcomes for young carers and the people they care for. All mental health services in Scotland should endorse Triangle of Care <https://carers.org/policy-and-strategic-influencing-in-scotland/triangle-of-care-supporting-carers-of-people-experiencing-mental-health-problems-in-scotland>. This programme aims to create an alliance between service users, carers and health professionals; ensuring that mental health young carers are recognised, valued and supported in the care of their cared for person. These initiatives will also help health professionals to be better able to foster improved professional relationships with young carers and identify possible risks or harm.

The National Carer Organisations believe that further references to young carers in the Draft National Guidance would strengthen recognition and awareness of young carers across health professionals who are likely to encounter these children and young people through their work. Therefore, resulting in young carers receiving appropriate support that they may need, which could combat the potential of future risk or harm.

Q8: Neglect – The draft National Guidance defines ‘neglect’ as child abuse, where it:

“Consists in persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. There can also be single instances of neglectful behaviour that cause significant harm. Neglect can arise in the context of systemic stresses such as poverty and is an indicator of support needs.”

a) Do you agree with this definition?

Yes.

b) Please provide additional comments.

National Carer Organisations agree with the definition of neglect as child abuse outlined in the Draft National Guidance. Reference to a persistent failure in meeting a child’s basic needs is appropriate. We also support the need to outline the impact this can have on the wellbeing of a child and the serious impairment this can have on a child’s health and development.

The definition also includes “single instances of neglectful behaviour” as child abuse. It is important to include this within the definition as neglect should not be defined through measurement of time, but in the significant impact it may have on a child. Sections 41 – 43 refers to examples such as failing to provide adequate food, clothing, protecting a child from emotional harm or danger or failure to respond to a child’s essential emotional needs; important examples to reinforce the understanding of instances of neglect, both long and short term.

The NSPCC details the risk of neglect and harm, citing children living under difficult circumstances, such as parents with addiction issues, mental health problems and domestic abuse as being at greater risk². Young carers who care for a family member with addiction issues or a mental health problem could be at greater risk of harm and neglect. The National Carer Organisations therefore welcome the preventative approach underlining the guidance to ensure that early signs of neglect are spotted, immediate action is taken and appropriate support is provided.

Q9: Neglect – Recognising that it is a complex area we also include some discussion about whether neglect should be defined as abuse where it is “a consequence of systemic stresses such as poverty.”

a) Do you agree with this approach?

Yes.

a) Please provide additional comments.

We agree with this approach in recognition that neglect is a complex issue which can often result from children and families living in poverty. A significant point raised is the need for practitioners not to stigmatise families living in poverty, whilst still considering the impact of this within a child protection assessment. We also agree with reference to the intersectionality of poverty with other social and economic factors within the family home.

Many more young carers are living in the most deprived areas in Scotland on the SIMD scale than the least deprived areas³. Families with caring responsibilities can often experience additional pressures, including disability and ill health, barriers to employment and social isolation. When asked how they would describe their financial situation, over a third (37%) of carers say that they are struggling to make ends meet⁴.

Q10: Pre-birth assessment and support – Part 4 of the National Guidance sets out the context in which action is required to keep an unborn baby safe. Part 3 sets out the processes for this.

a) Do these parts of the guidance clearly and fully set out the context and processes?

² [Neglect | NSPCC](#)

³ Scotland's Carers, 2015, Scottish Government: <https://www.gov.scot/publications/scotlands-carers/pages/2/>

⁴ State of Caring: A snapshot of unpaid care in Scotland, 2019, Carers Scotland: [cscotstate-of-caring-2019v5.pdf](#)

To Some Extent.

b) If answering To Some Extent or No, please detail why.

Page 112, section 129 refers to where a child protection plan is in place prior to a child's birth, the child must not be discharged from hospital following birth until a pre-discharge meeting has been held. Carers (Scotland) Act 2016, section 28 states that each Health Board must ensure that, before a cared for person is discharged from hospital, it involves any unpaid carer of that person in the discharge process.

Unpaid carers, including young carers should be included in a pre-discharge meeting, specifically if it will result in the unpaid carer taking on additional caring responsibilities once the cared for person is home. For example, if the parent of a child has further support needs, this may result in the young carer taking on additional caring roles.

Q11: Specific areas of concern (Part 4)

a) Do all sections of Part 4 of the National Guidance address the specific areas of concern appropriately?

To Some Extent.

b) Please let us know any sections you do not think address the specific area of concern appropriately and suggest how these could be improved.

The actual number of young carers in Scotland is not known but Scottish Government recognises that there are at least 29,000 young carers who are under the age of 18. Some studies have estimated that there may be as many as 100,000 young people with caring responsibilities in Scotland. Additionally, due to COVID-19 there is an increasing number of children and young people taking on caring responsibilities and, in some situations, an increasing intensity of caring roles from appropriate to inappropriate levels, which could be to the detriment of the education and wellbeing of a young carer. Taking these into account, the National Carer Organisations were surprised there are only a few references to young carers in the revised Draft National Guidance for Child Protection in Scotland 2020; mainly a paragraph on page 56 section 136.

Although being a young carer doesn't and we believe should not trigger a child protection concern. It is important to highlight that some young carers may be providing care which may cause concern – such as providing personal or inappropriate care or caring for someone with mental health problems. The National Carer Organisations are pleased that young carers have been noted in the section *Children and families affected by alcohol and drugs* and the barriers have been highlighted of denial and secrecy which may prevent young carers coming forward for support. Regardless of the caring situation, it is important to remember that young carers are children and young people first and foremost

and holistic support should be in place to allow them to thrive as individuals and to live their own life alongside their caring roles.

The National Carer Organisations believe that the guidance would be strengthened with a short section about young carers in Part 4 – Specific Concerns. Also, further information about young carers’ right to a Young Carer Statement and support under the Carers (Scotland) Act 2016 and how this differs from the Child’s Plan could be further explained here.

Q12: Implementation – The Scottish Government considers that Chief Officer Groups and local Child Protection Committees, supported by Child Protection Committees Scotland, the Scottish Government and a range of other partners, are the key fora for implementation of this Guidance.

a) Do you agree or disagree?

Strongly Agree.

b) Please explain your answer.

No further comment.

Q13: COVID-19 – During the COVID-19 pandemic, it has been necessary to adapt practice to ensure continuity of child protection processes. Learning from the pandemic and examples of best practice will be incorporated into the National Guidance.

a) Are there adapted processes that you would like to see continued?

No.

b) Please provide further information

No further comment.

Q14: Do you have any further comments on the National Guidance?

National Carer Organisations should be listed as important providers of information and advice for unpaid carers, young carers and their families, and for professionals working with children and young people. These links can be found below:

- Carers Trust Scotland/Scottish Young Carers Services Alliance: <https://carers.org/>
- Carers Scotland: <https://www.carersuk.org/scotland>
- Coalition of Carers in Scotland: <https://www.carersnet.org/>
- Shared Care Scotland: <https://www.sharedcarescotland.org.uk/>
- MECOPP: <https://www.mecopp.org.uk/>

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