

**National Child Protection Leadership Group**  
**Monday 14 December 2020 10:00 - 12:00**  
**Microsoft Teams**

Note of Meeting

**Attendees**

Members

Maree Todd	Minister for Children and Young People (Chair)
Claire Burns	Co-Director, CELCIS & Institute for Inspiring Children's Futures
Iona Colvin	Chief Social Work Adviser, Scottish Government
Eddie Follan	Chief Officer Children and Young People COSLA
SallyAnn Kelly	Chief Executive, Aberlour
Alison Gordon	Chief Social Work Officer, North Lanarkshire & Social Work Scotland
John Froggatt	Deputy Director, Creating Positive Futures, Scottish Government
Neil Hunter	Principle Reporter/Chief Executive, SCRA
Elliot Jackson	National Convenor of the Children's Panel and Chief Executive of Children's Hearings Scotland
Lindsay MacDougall	Acting Head of Child Protection, Scottish Government
Peter MacLeod	Chief Executive, Care Inspectorate
DCS Samantha McCluskey	Head of Public Protection, Police Scotland
Lesley Sheppard	Deputy Director of Care, Protection and Justice, Scottish Government
Moira Price	Head of Victims and Witnesses Policy, COPFS
Margaret McGuire	Executive Nurse Director for NHS Greater Glasgow & Clyde
Ruth Sills	Child Protection Programme Lead, CELCIS
Alan Small	Chair, Child Protection Committees Scotland
Kay Tisdall	Professor of Childhood, Edinburgh University
Michael Wood	Professor of Education, University of Dundee and General Secretary, Association of Directors of Education in Scotland (ADES)

Others

Professor Brigid Daniel	Chair of the National Child Protection Guidance Steering Group
James Cox	Social Work Advisor for Child Protection Unit, Scottish Government
Fi McFarlane	Head of Governance and Strategy, from The Promise Team
DSU Martin Maclean	Specialist Crime Division, Police Scotland
Kieran McQuaid	Team Leader, Child Protection Unit, Scottish Government
Lesley Swanson	Team Leader, Child Protection Unit, Scottish Government
Wendy Wilson	Procurator Fiscal Depute, COPFS Policy Division, COPFS
Fiona Marshall	Senior Policy Advisor, Child Protection Unit, Scottish Government (Secretariat)

Siân Robson Policy Officer, Child Protection Unit, Scottish Government (Secretariat)

#### Apologies

Hazel Borland Executive Nurse Director for NHS Ayrshire & Arran (Hazel is sharing the membership with Margaret McGuire)  
Gayle Gorman Chief Executive, Education Scotland  
Mairi Macpherson Deputy Director, Improving Health and Wellbeing, Scottish Government  
Fiona McQueen Chief Nursing Officer, Scottish Government  
Bill Scott-Watson Interim Deputy Director for Strategy, GIRFEC & the Promise Division, Scottish Government  
Gregor Smith Chief Medical Officer, Scottish Government  
Dr Grace Vickers Chief Executive, Midlothian Council. Strategic Lead for Children and Education, including Child Protection, SOLACE

#### Delegates

Alan Armstrong Strategic Director, Education Scotland (attending on behalf of Gayle Gorman)  
Eddie Doyle Scottish Government Senior Medical Advisor for Paediatrics (attending on behalf of Catherine Calderwood)  
Rod Finan Professional Social Work Advisor, Office of the Chief Social Work Adviser, Scottish Government, attending on behalf of Bill Scott-Watson  
Wendy Mitchell Professional Advisor - Early Years and Children's Services Scottish Government attending on behalf of Fiona McQueen

#### **Welcome and introductions**

1. The Chair welcomed attendees to the meeting, including new members and guests, and noted apologies. The Chair noted that the world is a very different place to when the group last met and her intention to keep to time given the very busy agenda. The Chair asked if there would be any other business and none was raised.
2. The Chair invited attendees to introduce themselves.
3. The Chair advised that the meeting will follow the same format as last time with papers for update followed by papers for discussion, and then a substantive discussion about the role and remit of the National Child Protection Leadership Group if time permitted.

#### **Actions from the last meeting**

4. The group agreed that the minute of the meeting on 7th January 2020 was accurate.
5. The Chair noted that most previous actions are covered in this meeting's agenda.

6. **Action 1 – Information Sharing.** DCS Sam McCluskey advised that Police Scotland has moved to a public task model where consent is not required to share information with non-statutory organisations for cases of categories of concern if they believe that the individual will benefit from increased support. An information sharing agreement is in place with all Local Authorities. Feedback since implementation in June 2020 has been positive.
7. **Actions 7 and 9 – Participation and Engagement.** Neil Hunter provided an update on this priority action. Progress has been impacted by COVID. The participation subgroup have engaged with Aberlour, Who Cares? Scotland and Children First, and are working with James Cox on how to include the voice of children and families in the National Guidance.
8. Neil explained that the view of the participation subgroup is that item 3c of the priority action: to develop a process for providing confidential expert advice from the children’s sector to support Scottish Government policy processes, has been superseded by work taken forward by other areas of Scottish Government.
9. In early 2021, the subgroup will share a paper with the Leadership Group on how they intend to take forward this priority action. They will continue to look at participation and engagement in implementation of the revised national guidance **[Action 1 – Neil Hunter]**. Despite limited progress due to COVID, the subgroup are committed to working alongside others to engage children and young people as a priority.
10. **Action 8 – Participation and Engagement.** Peter Macleod advised that the Care Inspectorate has restructured so they can link work through a leadership post for inspections of child protection arrangements with regulated care. This role will enable a joined up view and strengthen the voice of the child. They are looking at methodology from the Promise and linking with colleagues on learning from that. The Care Inspectorate has refined the way that they approach inspections to look at how engage the voice of young people. Lived Experience volunteers in the Inspectorate are helping to guide this work. Peter will link in with the participation subgroup to join up this work. **[Action 2 - Peter Macleod]**
11. The revised methodology for engaging with children and young people, and strengthening the voice of the child will be shared with Leadership Group members. **[Action 3 - Peter Macleod]**
12. Kay Tisdall noted that in paragraph 11 of the minutes, there is an update on Brexit resilience planning and asked if is there anything of concern to this group. Lesley Swanson described aspects that will be relevant, including highlighting that Dublin III regulations for Unaccompanied Asylum Seeking Children will no longer apply in the UK, and the UK Government’s commitment to conduct a review of safe and legal routes to the UK for asylum seekers, refugees and their families, which will include reviewing routes for unaccompanied asylum-seeking children to reunite with their family members in the UK, with the intention to bring in legislation to deliver those reforms.

13. Hague 1996 will replace the child protection provisions of Brussels IIA. There are no discernible gaps between the two. Loss of access to European Arrest Warrant systems and databases could reduce the effectiveness of international child protection arrangements as alternative processes using the European Convention of Extradition 1957 may lead to longer timescales and greater complexity in extradition procedures and other law enforcement systems.
14. Loss of access to the Schengen Information System will make it more difficult for law enforcement to accurately know who is within the country and the risk they pose and more difficult to share information with European countries about our offenders who may pose a risk to children.
15. DSU Sam McCluskey confirmed Police Scotland had nothing else to add to this high-level summary. It was confirmed that child protection were linking in with wider planning considering the impact of increased food and heating costs on families and mitigating actions.

**The following papers have been circulated for information:**

**Priority Actions - Paper 1**  
**Linked Programmes – Paper 1a**  
**Completed Actions - Paper 1b**

16. Members were invited to note these papers for information.

### **Learning Reviews – Paper 2**

17. The Case Review Oversight Group has explored a new approach to Initial and Significant Case reviews. Guidance for new “Learning Reviews” has been drafted and a consultation has taken place. Results will be incorporated into the draft Learning Review guidance which will be brought to the Leadership Group for approval [**Action 4 – Alan Small**]. The guidance will be published alongside the updated national guidance and linked from within it.
18. The crossover between Learning Reviews and the Child Death Review process/national hub for child death review was raised. It was confirmed that this has been noted and that there is a representative from the hub on the case review group.

### **Chief Officers’ Leadership Event and Induction – Paper 3**

19. The Chair summarised this paper which provides an update on the planning and delivery of a Chief Officers’ induction package. Draft content has been developed by a multi-agency planning group, which is now considering how best to seek feedback on the content and platforms to host the materials. Planning for the 2020 Chief Officers’ event is on hold and the group is assessing the appetite for a virtual event in 2021. Members were invited to note this update.

**The following papers have been circulated for discussion:**

#### **Child Protection Data Mapping – Paper 4**

20. The Chair noted that COVID has highlighted the importance of data in decision-making and policy development. Kieran McQuaid introduced the paper which is a mapping of the current child protection data landscape, produced by the CELCIS Protecting Children team. It shows the range of available data and where there are gaps, what might be needed in future, developments in progress e.g. the Police Scotland IRD capture form which will reduce variation in data, and the potential for data linkage from different sources. The group was asked to consider the eight areas proposed for action and if the Leadership Group should provide oversight of this workstream.
21. Wendy Mitchell highlighted that the data sources relate to children and young people but not necessarily to child protection so we need to draw caution about making that link. Wendy also noted that the report includes some inaccuracies with regards to the named person role in health and that health visitors are the only named person.
22. Kay Tisdall welcomed the report. Kay stated the need to consider the children's rights perspective in data sharing and noted that we often do not have the data to support these issues so the information provided in the report is useful. It was noted that all policy and practice development will need to be considered through a children's rights "lens" as we progress towards incorporating UNCRC.
23. SallyAnn Kelly noted the need for a clear distinction between the protection of children and child protection, and raised a concern about the expectation of sharing third sector data from databases across the country and the management of data sharing, particularly in relation to UNCRC data sharing. SallyAnn suggested that this could become increasingly confused unless there is a clear definition of child protection data.
24. Kieran agreed to feedback the comments on the report to Alex McTier, the report author, and the data working group. **[Action 5 – Kieran McQuaid]**
25. Members agreed that the areas of consideration should form the basis of a work plan, and that it was important for the Leadership Group to have oversight of the work to ensure these aspects are considered.

#### **COVID – impacts and practice developments – Paper 5**

26. In introducing the paper, the Chair highlighted the establishment of the Covid-19 Children and Families Collective Leadership Group, the publication of Covid-19 supplementary national child protection guidance and learning from service adaptations that will be incorporated into the revised national guidance.

27. Iona Colvin noted that the weekly dataset was drawn together at very short notice in response to lockdown, by SOLACE, COSLA and Police Scotland. The group is looking at how to link the data with education and early years data to provide a broader picture, so the dataset is expected to develop further. The data is provided each Thursday morning, analysed and returned to Ministers by Friday and the Chief Officers Group use it to review the situation in their localities.
28. Eddie Follan commented that the dataset had been a valuable resource and welcomed further planned refinement and join up with education and early learning and childcare data.
29. Alan Small reiterated Iona's statement from a local perspective. CPCs share the data with their Chairs. It provides a snapshot and allows benchmarking to show levels of child protection issues. He thanked those who have put it together noting that it has been very useful.
30. The Chair agreed with its value, expressing gratitude to those responsible for its production. Brigid Daniel also noted the report has been useful for the Covid Advisory Sub-group on Education and Children's Issues.

### **Harmful Sexual Behaviour - Paper 6**

31. The Chair noted that Catherine Dyer, the Independent Chair of the Expert Group, provided an overview of the Group's work and sight of the 19 proposals to the Leadership Group on 4 September 2019, followed by a facilitated discussion. The Leadership Group agreed that oversight of the recommendations by the National Child Protection Leadership Group would reinforce that children involved in sexual offending are children first and foremost.
32. The paper proposes that a sub-group of the Leadership Group be established to consider and ensure successful delivery of the proposals that have not yet been delivered, report on progress, and offer advice, further expert input and oversight. Member agreed this proposal.
33. It was agreed that Education Scotland, Social Work Scotland, CPC Scotland and Police Scotland should be represented. Representation from the third sector, Royal College of Paediatrics and Child Health (RCPCH), Scottish Nursing Leadership for Child Protection (SNLCP) and COPFS was also recommended. It was noted that there was a range of existing work to draw on and that connections should be made to developments since the Expert Group reported including contextual safeguarding and Barnahus.
34. Kieran thanked Members for their support and will progress with forming the subgroup. **[Action 6 – Kieran McQuaid]**

### **JII and Barnahus – Paper 7**

35. The Chair reported that extensive work has been undertaken to develop a new interviewing model: the Scottish Child Interview Model. Pilots began in North and South Lanarkshire in February 2020 with East Renfrewshire, Renfrewshire, Inverclyde and East Dunbartonshire launching the new model in August 2020. The sites are now addressing implementation issues and will advise on wider guidance for implementation. Dumfries and Galloway and Glasgow will pilot the model in 2021. A national JII Governance Group has been set up to consider implementation issues.
36. The Cabinet Secretary for Justice confirmed in early 2019 that a Scottish version of Barnahus is the Scottish Government's intended destination. There are clear links between Barnahus and Joint Investigative Interviews, and increased recognition of the need for cross-cutting policy with a clear, consistent narrative across Justice, Health and Children and Families portfolios.
37. Child protection officials have been working closely with the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill (FMS Bill) team. There is growing Parliamentary consensus that the FMS Bill is "Barnahus ready", supports the new National Child Protection Guidance and is UNCRC-compatible.
38. The development of Scottish Standards for Barnahus by Health Improvement Scotland and the Care Inspectorate was paused due to Covid-19. This work will restart in December 2020, and will build on learning from existing practice and policy developments in Children and Families, Health, and Justice work-streams, as well as from the impact of and response to Covid-19.
39. The Chair invited Lesley Swanson to introduce the paper. Lesley explained that the JII and Barnahus papers were combined as they are closely related and that JIIs would be conducted in a Barnahus setting in future highlighting the need to link the governance. Funding requirements for the national roll-out of the Scottish Child Interview Model are being considered with Police Scotland and COSLA. A two-phased approach is being taken for Barnahus scoping and standards development. The scoping phase will involve reviewing interdependent activities and workstreams and engaging with stakeholders and children and young people with direct experience to draw on learning to inform the development of standards from summer 2021. Consideration is being made to broaden the scope of Barnahus to accommodate all forms of abuse and neglect and possibly children who cause harm.
40. Eddie Follan, Chair of the JII Governance Group, welcomed the paper and confirmed that the Group's current terms of reference sets out a reporting structure to both the Leadership Group and Justice Board. Eddie informed the group that COSLA leaders endorsed the Scottish Child Interview Model on Friday 11 December, therefore all 32 Local Authorities have agreed to roll the model out.
41. In discussing the paper members noted that:
  - children who cause harm are almost universally subject to adversity and trauma themselves.

- the reference to 'ACE agenda' is unhelpful and should be reworded to reflect that preventing and addressing ACEs should be threaded through all policy and practice development and not seen as a standalone development [**Action 7 – Lesley Swanson**].

42. The Chair asked Members if the Leadership Group should be the decision-making forum for overall governance of policy relating to JILs and Barnahus. All were in agreement.

### **National Child Protection Guidance Consultation – Paper 8**

43. The Chair reminded members that a formal Scottish Government consultation on the guidance was endorsed at the January meeting. The launch of the consultation was postponed due to COVID. The consultation opened on 21 October 2020 and is due to close on 17 January 2021. There have been 7 virtual engagement sessions. The views of children, young people and families have been gathered and incorporated into the draft guidance and practice notes in a range of ways.

44. Practice notes are being progressed and a signposting document will be developed which will link to The Promise, UNCRC and GIRFEC. The final guidance document will be web-based to ensure accessibility and allow the document to be updated regularly to reflect further legislative, policy and practice developments. The guidance will also signpost practitioners to practice notes and other references for further detail in specific areas.

45. Results of the consultation and a final draft of the document will be brought to a future meeting of the Leadership Group to seek approval to publish the revised guidance. [**Action 8 - Brigid Daniel, Secretariat**] It is intended that the guidance will be published in late May/early June 2021.

46. Brigid Daniel noted there is scope to capture a lot of interconnected topics under the 'protecting children' banner. She reported that the virtual engagement sessions had allowed people from different locations and professions to interact and it was useful to hear each other's perspectives and enable discussion. Brigid noted that we cannot prejudge the results of the written consultation, however it was clear from the engagement events that there was broad support for the document, its navigability, live links, sections, inclusion of specific concerns and integration with the GIRFEC framework.

47. There was broad agreement from engagement event participants that CPCs will lead implementation, and there is a need to minimise unnecessary duplication across the country. The Learning and Development subgroup of CPCScotland will undertake an initial scoping to identify implementation supports and will feed back to the National Guidance Steering Group.

48. Lindsay MacDougall asked members to think about what support might be helpful at a national level in relation to implementation of the new guidance, the contribution of organisations represented on the Leadership Group, which groups



Scottish Government and the Guidance Steering Group should be linking in with and how learning can best be shared. Members were asked to provide comment and feedback to the secretariat. **[Action 9 – all members]**

49. Brigid paid tribute to the work of the former Chair, Bill Alexander and James Cox for the work on the National Guidance so far.
50. Alan Small conveyed appreciation of CPCScotland for the consultation events and noted that general feedback from Committees had been positive. He highlighted that implementation will provide the opportunity to include trauma-aware work.
51. SallyAnn Kelly commented how much work has gone into it, noting that implementation will require significant resource, which needs to be considered as a Leadership Group.
52. Peter MacLeod celebrated the achievement of putting it together, stating that Scotland's children will be safer as a result of this. Training will be crucial, and the Leadership Group should help disseminate a handful of top line messages.
53. Eddie Doyle asked for a greater focus on fabricated and induced illness. He also noted the complex legal landscape in relation to providing services to 16 and 17 year olds and the need for further discussion about the level of direction in relation to certain elements of the guidance including IRD. **[Action 10 – Brigid Daniel]**
54. Neil Hunter noted that we need a cultural shift in relation to 16 and 17 year olds. An array of policy and practice development has occurred to move things in the right direction, and we need time to discuss it. **[Action 11 – Secretariat to consider for a future Leadership Group meeting]**

### **National Child Protection Leadership Group role and remit – Paper 9 and Facilitated Discussion**

55. Lesley Sheppard noted that due to the busy meeting agenda, there is not time for a full facilitated discussion on the role and remit of the Leadership Group. Lesley asked Members to consider whether the overarching role and remit, the priorities and operations of the group are right. Lesley asked Members to consider Paper 9 and respond with their thoughts to Fiona Marshall before the end of January. **[Action 12 – all members]**
56. Kay Tisdall suggested including children and young people in policy and decision-making.
57. SallyAnn Kelly suggested reimagining the group in the context of wider planning e.g. in relation to the Collective Leadership Group, connecting in with wider Scottish Government planning and groups and areas of work including the focus on family support. It was noted that work is currently being undertaken within SG Children and Families Directorate to consider the role, connection and

governance of different groups with oversight of children's issues and a review of the role and remit of the Leadership Group should be considered in this wider context **[Action 13 - Secretariat]**

### **New and emerging risks**

58. The Group had previously asked that Carlene Firmin and Brid Featherstone be invited to a future meeting to discuss contextual safeguarding and the social model and SallyAnn Kelly asked if this could be actioned. **[Action 14 – Secretariat]**

### **AOB/Close**

59. The Chair thanked everyone for their involvement in the meeting. She acknowledged the challenges of the current situation but the progress in several areas like JIs and learning reviews. The Chair wished everyone a happy Christmas and New Year.