

FOI 202600519520

Item 4

CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019

Focus Group Meeting

28 October 2024, 9:30 -11:00

(Virtual meeting)

Present

[REDACTED – Section 38(1)(b)] – The Scottish Government
[REDACTED – Section 38(1)(b)] – The Scottish Government
[REDACTED – Section 38(1)(b)] – The Scottish Government
Angela Latta – The Scottish Government

[REDACTED – Section 38(1)(b)] – Police Scotland
[REDACTED – Section 38(1)(b)] – Police Scotland
[REDACTED – Section 38(1)(b)] – Police Scotland

[REDACTED – Section 38(1)(b)] – Social Work Scotland

[REDACTED – Section 38(1)(b)] – East Renfrewshire Council
[REDACTED – Section 38(1)(b)] – Dumfries and Galloway Council
[REDACTED – Section 38(1)(b)] – Midlothian Council
[REDACTED – Section 38(1)(b)] – East Ayrshire Council

Apologies:

[REDACTED – Section 38(1)(b)], Justice Analytical Services, The Scottish Government
[REDACTED – Section 38(1)(b)] – Crown Office and Procurator Fiscal Service
[REDACTED – Section 38(1)(b)] – South Ayrshire Council
[REDACTED – Section 38(1)(b)] – Social Work Scotland

1. A short summary was given from the Scottish Government on the purpose of the focus groups.

What experiences did the group have?

2. The group raised the following points from their experiences:
 - The Bill was implemented during the Covid pandemic which was a challenging time for all services. As a result, the message of the purpose of the legislation was lost somewhat.

- Local authorities took differing approaches to interpreting the legislation.
- In the early stages of implementing the Act, it was felt that by removing the defence of “reasonable chastisement”, this took away any kind of assessment or discussion between agencies. A criminal enquiry was instantly started and this took precedence over welfare and protection.
- This way of thinking caused some concern. It raised the question of how social work could maintain early preventative supportive measures with families if other agencies and partners were taking the view that every case had to be referred to the police.
- Some noted that professional judgement is now being used in these cases and that matters settled down some time after the Act first came into force.
- Another cause of inconsistent interpretation could be attributed to frequent changes of personnel
- Children’s views can often be lost. However agencies are now taking into account trauma informed practice in relation to children and the justice system.
- Child protection processes are difficult for both children and parents.
- There is a lack of data and so it is not possible to measure the full impact of the Act.

What lessons can be learnt from the implementation of the Act?

The group raised the following points regarding lessons learned:

- There should have been more guidance from the Scottish Government.
- Clear guidance should be given to schools as they are usually the first point of contact in a case. **[Action: Scottish Government: To approach education colleagues again in relation to the Act]**
- A better approach should be taken to informing children of their rights.
- Given the UNCRC, we need to ensure that children’s rights are at the centre of the process.

Summary and conclusion

It was concluded that in relation to future pieces of legislation being developed the following would help:

- To take into account that Social Work do not always have resources to access legal advice. This can cause legislation to deviate from its intended purpose as interpretations may vary.

- The Act had its origins in a Member's Bill. It would be helpful if the Scottish Government engaged with local authorities at an early stage of the Parliamentary process for Members' Bills, if a Bill looks likely to succeed. This would help local authorities to be more prepared for implementation.

Another focus group meeting is scheduled to take place in November.

Scottish Government
October 2024

Item 5

CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019

Focus Group Meeting

21 November 2024, 9:30 -11:00

(Virtual meeting)

Present

[REDACTED – Section 38(1)(b)] – The Scottish Government (Chair)

[REDACTED – Section 38(1)(b)] – The Scottish Government

[REDACTED – Section 38(1)(b)] – The Scottish Government

[REDACTED – Section 38(1)(b)] – Police Scotland

[REDACTED – Section 38(1)(b)] – Aberdeenshire Council

[REDACTED – Section 38(1)(b)] – Midlothian Council

[REDACTED – Section 38(1)(b)] – East Lothian Council

Apologies

Angela Latta – The Scottish Government

[REDACTED – Section 38(1)(b)] – Falkirk Council

[REDACTED – Section 38(1)(b)] – Dundee City Council

[REDACTED – Section 38(1)(b)] – Social Work Scotland

[REDACTED – Section 38(1)(b)] – Perth and Kinross Council

[REDACTED – Section 38(1)(b)] – South Ayrshire Council

A short summary was given from the Scottish Government on the purpose of the focus groups

What experiences did the group have?

The group raised the following points from their experiences:

- There were some difficulties arising from a lack of public awareness, including feedback from parents that they were not aware of the legislation.
- During the early days it was felt that Police Scotland were gatekeepers of sorts as every report was going to them.
- The information provided by the Scottish Government at the time was not enough.
- Experiences varied from area to area.
- Police Scotland's view of the legislation led to other agencies feeling under some pressure.
- Agencies now feel more comfortable with the legislation when exercising judgement. This is resulting in more proportionate responses to incidents.

- There was some concern at the beginning around capacity in the social work sector.
- There were reports of schools waiting upwards of 45 mins to get through to the 101 number
- While schools are often the first point of contact (around 80% of referrals) and can make an initial assessment they ultimately don't know the background or history of a case. This can be difficult as there is often no evidence other than a child saying they were hit and the adult claiming otherwise.
- Families already known to social work or on the fringes of it are more likely to be referred by 3rd parties (neighbours etc.) if there is already a history there.

What lessons can be learnt from the implementation of the Act?

The group raised the following points regarding lessons learned:

- There should be more clarity around agencies' roles and responsibilities.
- Education colleagues should be on the Equal Protection Implementation Group.

Summary and conclusion

Any wider lessons that could be used on other pieces of legislation?

- It is important to involve partner agencies as soon as possible and at the early stages of policy development.

Scottish Government
November 2024