

NORTH LANARKSHIRE COUNCIL

SOCIAL WORK DEPARTMENT

Social Work Committee : Operations and Services Sub Committee 1997	Subject : Child Protection Draft Inter Agency Guidance
From : Jim Dickie, Director of Social Work Prepared by : Sandra Paterson, Principal Officer, Child Care	

1. PURPOSE OF REPORT

To advise Committee of the draft guidance and to ask Committee to approve the comments prepared on a joint basis with Education on the draft guidance in Appendix 1.

2. BACKGROUND

This draft guidance, issued by the Scottish Office, sets out how agencies and professionals should work together to protect children from harm and abuse. It identifies the roles and tasks of different professionals and agencies involved in tackling child abuse and it outlines the role of the local Child Protection Committee, which consists of senior officers of relevant agencies in each local authority committee area. It emphasises that good practice requires the careful exercise of professional skill and judgement and that child protection work makes heavy demands of staff. The guidance provides a framework for local inter agency collaboration to safeguard and promote the welfare of children and emphasises the promotion of partnership with parents.

3. CONTENT

- (1) The draft guidance deals with the issue of investigations , with the intention of ensuring that a child is not caused undue stress, or any further harm, by ensuring a speedy response.
- (2) It differentiates between action needed under child protection measures and other forms of welfare support from a range of agencies, including Education and Health services.
- (3) The draft guidance refers to the role of the Reporter to the Children's Panel in arranging initial investigations of children referred.
- (4) Training and the need for interagency training feature largely in the draft guidance.
- (5) The need for local authorities to promote public awareness about risks to children is also emphasised.
- (6) The guidance outlines in detail the case of the child protection register to protect children and inform agencies about the resources and services required.

- (7) It outlines the use of measures such as the child protection order which can remove a child from their home and the exclusion order which can remove an alleged perpetrator from the child's home.
- (8) Details are given on how to proceed with joint Police, Social Work and Health investigations.
- (9) Examples of complex cases involving groups of adults, children abused in institutional settings and child pornography are cited with guidance on how to deal with these.

4. **POLICY IMPLICATIONS**

The Child Protection Committee, whose membership is drawn from all the local authority departments and the Police, Lanarkshire Health Board and the Reporter's Service will consider the final guidance and will oversee the production of local guidance and procedures.

The guidance refers to the need for all paid and unpaid staff or volunteers who will have significant contact to be checked with the Scottish Criminal Records Office.

This is not the case at present in North Lanarkshire.

Whilst this proposal is fully supported it would mean a significant increase in the volume of Police checks being carried out.

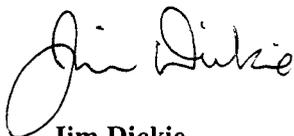
5. **CONCLUSION**

This draft guidance provides a welcome shift from an emphasis on investigation of abuse to the support and the protection of children.

6. **RECOMMENDATION**

The Committee is asked to:

- (a) Note the contents of this report.
- (b) Approve the comments on the draft guidance.
- (c) Remit the report to the Education Committee for their interest.



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Director of Social Work.
August, 1997.

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**North Lanarkshire Council
Social Work Department**

Proposed Response to “Child Protection: Draft Inter -Agency Guidance”.

Para 2.5 Health Professionals
Page 7

There are sometimes difficulties when checking medical records regarding issues of confidentiality. It should be confirmed that the Health professional’s responsibility to protect children and the public outweighs confidentiality issues. It should also be emphasised that there is a joint responsibility to ensure that all information is available at the inquiry stage.

Para 2.6 Education Professionals
Page 7

“Unexplained mood changes” is not a good example of an indication of abuse.

The obligation for them to report cases where they believe there is concern should be emphasised.

Para 2.9 Staff Selection, Supervision Support and Training
Page 8

It should be made clear what constitutes the local authority, that is that this means Leisure Services Housing, Education, Social Work Department, and other local authority departments where staff have access to children.

3.9 The complexities of evaluating what children say should be emphasised and the careful evaluation of what children say needs to be considered alongside information from other sources.
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3.17 It should be made clear that the categories are used where there is a risk in the future of the child being -

physically injured
sexually abused
failure to thrive
emotionally abused
physically neglected.

- 3.19 The links between previous abuse or previous risk of abuse and the assessed need to protect a child from further abuse or possible abuse should be made clearer; that is the child should only be registered when it is considered they are at risk of abuse and a child protection plan is required.
- It is not reasonable to assume that the local authority complaints' procedure is the appropriate mechanism to review decisions to register a child, unless there is a complaint about the standard of work involved in the process. This needs to be clarified in the final guidance.
- 3.26 Where the child is not registered there should be some guidance about how the case can be dealt with if such cases are to be seen in the wider context of child protection and family support.
- While there may be no need for further action in some cases there will be other cases which still require a level of inter agency support and this support should either be decided at the case conference or at another planning meeting quickly following the case conference.
- The wider duties and responsibilities of other agencies should be emphasised.
- 3.44 Again, it is unclear whether parents should have access to the general complaints procedure or an appeal mechanism which specifically deals with their dissatisfaction about the decision reached.
- 4.1
Page 20 Child care concerns need to reflect a flexible system where for instance assessment and reassessment is an ongoing process and that plans should change with the needs of children and families.
- 4.6 The importance of other agencies sharing information in order to protect a child must be emphasised.
- 4.7 While each agency should have a policy on record keeping this should be coordinated by the Child Protection Committee to ensure consistency between agencies.
- 4.11 It is not helpful to suggest that only the Social Work Department has wider welfare responsibilities. With the implementation of the Children (Scotland) Act, 1995 the whole of the authority has these responsibilities as well as other agencies such as the Health Board. It may be that it is the Education Department or the NHS is required to provide general support services or resources.
- 4.21 Agencies represented at a case conference need to ensure that their representative is fully aware of the child protection issues, the impact on families, their responsibilities in this context, and the expectations of other members of the case conference.

It also needs to be made clear to whom they are accountable if they do not carry out agreed tasks. The role of the procurator fiscal should be emphasised in this section in terms of their responsibilities in protecting children.

- 4.22 It needs to be made clear in this section that registration is on the basis of future risk and the need for a child protection plan to protect the child from future harm.
- 4.25 Some guidance on the framework for such an assessment would be useful or reference to existing frameworks.
- 4.28 It is clear that a child protection plan cannot be formulated without reference, where appropriate, to the separate plan for any abuser. The worker involved with the offender should be a participant in the case conferences developing the protection plan.
- 4.36 It should be emphasised that a coordinated support plan may still be required.
- 5.1 It is clear that it is disruptive and distressing for children to undergo repeated interviews and medical examinations. It should be made clear, however, that there will still be, in many cases, a need for a medical examination to take place, especially in young children which may uncover injuries which may not be immediately visible.
- 5.11 & 5.12 The whole issue of medical examinations is not clarified by this section and needs to be simplified. A child who is considered to need immediate medical treatment will presumably automatically receive an examination and treatment. Care should be exercised to ensure that this can be used for evidential purposes if required. Any medical examination may be used for evidential purposes if it transpires that there are unexplained injuries and there is a possible abuser so all medical examinations need to be carried out to a standard which would meet these evidential purposes. The Police and the Health authorities need to have. An agreed set of procedures for these cases and these need to be resourced appropriately.
- 6..6 While it is clear that any allegation of assault by a member of staff or a foster carer requires to be fully investigated, it is not clear that they should be dealt with within child protection procedures. The question of 'familial responsibility' should be clarified.
- 6.7 An investigation should take place into any alleged abuse by one young person of another. Only where the investigation concludes that it is believed the young person has abused the other person should referral to the Reporter be considered.
- 6.11 & 6.12 The guidance needs to differentiate between 'significant harm' and 'familial responsibility' when a child has been abused by a stranger and 'significant harm' where there is no familial responsibility. The situations are different and can lead to different responses.

The responsibility in these two situations are also different.

Where there is no familial responsibility the case would be straightforward assault and while the victim and family may require ongoing support a case conference

would be inappropriate.

Annex B
Para 2
Page 39

The definition of abuse needs to be more clearly defined. It may suffice to say that children are in need of protection where their basic needs are not being met and the child is likely to suffer significant harm as a result of this, and there is familial responsibility.

If it is not amended, many children whose basic needs are not being met as a result of poverty will come into the definition of an abused child.

It should be made very clear that a child should be registered in one of these categories only where there is the risk of future harm to the child.

A child should only be registered under the physical injury category where it is believed the child may be at risk of being physically abused.

Physical Neglect

There needs to be risk of significant impairment to physical health and development before a child is registered under this category.

General Comments

Training

This obviously has major significance for all staff who have significant contact with children and should focus not only on awareness raising within specific local authority departments but also concentrate on the roles and responsibilities of each of the agencies involved in child protection.

The Promotion of Welfare

The Education Department has an important role in the protection of children through the promotion of programmes of health and personal safety. It would be useful if each school had a policy on child protection detailing the practice work undertaken in these areas.

Inter Agency Co-operation

Record keeping is an essential element in the sharing of information between agencies and clear guidance on this will need to be developed through the local Child Protection Committee.