



## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY***

### **Guidance on Inter-Agency Co-operation**

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **FOREWORD**

**By the Rt Hon Donald Dewar MP  
Secretary of State for Scotland**

All children have a right to expect that they will be protected from abuse and harm. The United Nations Convention on the Rights of the Child reinforces that right. As a responsible society we must accept that it is our duty to ensure as far as possible that children are not exposed to the risk of harm. But where they are they should be helped to overcome any suffering they may have been caused.

A number of statutory agencies and voluntary organisations assist children in a variety of ways. Dealing with child abuse is not, however, the preserve of any one public or voluntary service. If they are to protect children effectively, they must collaborate closely.

This guidance sets out how agencies and professionals should work together to protect children from abuse and neglect, and to safeguard and promote their welfare. It identifies the roles and tasks of different professionals and agencies involved in tackling child abuse and neglect, and it outlines the role of local Child Protection Committees. Developing policy and promoting good practice in child protection must be based on effective collaboration between all agencies who work with children. The creation of unitary local authorities, the implementation of the Children (Scotland) Act 1995 and the introduction of children's services plans provide opportunities to build upon robust working relationships and good co-operation amongst agencies.

Good practice requires the careful exercise of professional skill and judgement. Child protection work makes special demands upon staff. Agencies should ensure that they have management systems and training in place to help their staff carry out this work effectively. Multi-agency training can help professionals to understand each other's roles and tasks and improve collaboration.

The Children (Scotland) Act 1995 states that it is the responsibility of parents to safeguard and promote their children's health, development and welfare. Professionals should provide support and assistance to families to help them bring up their children, at home wherever this is consistent with the child's welfare, and should work in partnership with parents.

This guidance should help professionals to become more effective in combating child abuse while at the same time being sensitive to the needs of children and their families. I commend it.



*Donald B. Dewar.*

**DONALD DEWAR**

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **SUMMARY OVERVIEW**

#### **Paragraphs**

##### **Purpose and scope of the guidance**

###### [1.7 - 1.9](#)

This guidance is addressed to all agencies working with children and families in the statutory, voluntary or independent sectors, who may have to respond to information or allegations that a child is at risk of significant harm or abuse. It should help agencies and professionals to understand each other's roles and functions, and make the best use of their experience and expertise in safeguarding children. The guidance complements The Scottish Office guidance issued on the Children (Scotland) Act 1995 and other guidance to specific agencies, such as education or health services. It should inform local agency guidelines and procedures.

##### **Context**

###### [1.1 - 1.13](#)

The UN Convention on the Rights of the Child and the Children (Scotland) Act 1995 set out the principles and themes which underpin good practice in work to protect children. At the heart of these is listening to children and their families and taking account of their views. Agencies should provide sufficient help at an early stage to reduce the need for compulsory intervention in families' lives. But where a family is not able to care for their child safely, agencies must act promptly and with skill, to protect the child. In doing so they should avoid causing the child undue distress or adding unnecessarily to any harm already suffered by the child. The welfare of the child is the paramount consideration when his or her needs are considered by Courts, Children's Hearings and local authorities.

Research indicates that many children at risk of harm live in families in which social exclusion, domestic violence, mental illness or misuse of drugs or alcohol are significant factors. Good health care, education and family support are essential services to safeguard and promote children's welfare and strengthen the capacity of families under stress to meet the needs of their children before problems escalate to abuse or neglect. Child protection is one aspect of services geared towards meeting children's wider developmental needs and should not be seen as a separate activity. No one agency should be seen as solely responsible for the protection of vulnerable children.

### [1.15 - 1.16](#)

Some groups of children are particularly vulnerable or have additional needs, and agencies should consider their circumstances with special care. These include children affected by disability, children from minority ethnic groups or who do not have English as a first language and children living away from home in residential or other settings.

### [6.1 - 6.12](#)

## **ROLES AND RESPONSIBILITIES**

### [Part 2](#)

Child abuse and neglect have implications for child welfare, criminal justice and other agencies' responsibilities. Each agency makes a distinctive contribution to safeguarding children's welfare within a context of collaboration and shared understanding. Co-operation in child protection is underpinned by joint procedures prepared by inter-agency Child Protection Committees, to which all relevant agencies contribute, and appropriate inter-agency training. These procedures should deal with the arrangements for responding to and sharing of information about allegations of child abuse, and accessing specialist advice or expertise. All agencies should have arrangements in place for selecting suitable staff, and for supervising, training and supporting them to carry out their tasks.

### [2.11 - 2.15](#)

### [2.21 - 2.23](#)

## **THE CHILD PROTECTION REGISTER**

### [Part 3](#)

Registration is an administrative system for alerting workers to the fact that there is sufficient professional concern about a child to warrant an inter-agency child protection plan. It ensures that the plans for these children are reviewed at least every six months. Local authorities are responsible for maintaining a Register of all children who are the subject of an inter-agency child protection plan, which provides a central point of rapid enquiry for professionals who are concerned about a child's development, welfare or safety. The decision to place a child's name on the Child Protection Register is taken by a multi-disciplinary case conference.

## **WORKING TOGETHER TO PROTECT CHILDREN**

[4.1, 4.7 - 4.9](#)

Part 4 provides guidance to agencies on responding effectively to allegations of abuse or neglect in individual cases:

[4.4 - 4.6](#)

- agencies need to understand the causes and be alert to signs of child abuse and neglect, and be willing to provide help and support at an early stage

[4.10](#)

- informed responses to reports of abuse from a child or any other person should not pre-empt or prejudice child protection inquiries or criminal investigation

[4.8](#)

- local authorities should plan child protection inquiries in close consultation with the police and other agencies, in particular health and education

[4.26 - 4.29](#)

- evidence should be gathered in ways which ensure the effective prosecution of crimes against children

[4.17 - 4.20](#)

- legal measures to protect children are available through the Courts in emergencies or when families are unwilling to assist

[4.49 - 4.55](#)

- all agencies should contribute to assessments and decisions about how to protect children from abuse, and give priority to helping children recover from the trauma of child abuse or neglect

[4.43 - 4.48](#)

- agencies should work in partnership with families, by informing and involving them in decisions and enabling them to participate actively in plans

## **JOINT INVESTIGATION**

[5.1 - 5.3](#)

Joint investigation describes the process whereby social work, police and health professionals plan and carry out their respective tasks together when responding to complex or substantial child protection referrals. All referrals of child sexual abuse should be considered for joint investigation.

[5.4 - 5.13](#)

The police and social work service should share and jointly evaluate all relevant information at an initial planning meeting or discussion, involving health services wherever possible. Planning should consider the needs of and risk to the child, as well as the conduct of child protection inquiries and any criminal investigation. Medical information and assessment may assist the planning and management of any inquiries.

[5.14 - 5.24](#)

When dealing with allegations of organised abuse, agencies should adopt a measured approach to investigation which takes care not to prejudice efforts to collect evidence for criminal prosecution of an abuser or group of abusers, but which has the welfare of any child or children at risk as the paramount consideration. The senior investigating police officer may decide to make use of the Home Office Large Major Enquiry System (HOLMES) to enable effective investigation of suspected multi-abuse cases.

Note: This summary overview provides readers with a brief indication of what the guidance contains. Those who will need to use the guidance in their day-to-day work should study the whole document.

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **PART 1: SETTING THE SCENE**

1.1 Legislation and practice in child protection are underpinned by principles derived from Articles of the United Nations Convention on the Rights of the Child, ratified by the UK Government in 1991.

These principles are:

- each child has a right to be treated as an individual
- each child who can form a view on matters affecting him or her has the right to express those views if he or she so wishes
- parents should normally be responsible for the upbringing of their children and should share that responsibility
- each child has the right to protection from all forms of abuse, neglect or exploitation
- so far as is consistent with safeguarding and promoting the child's welfare, public authorities should promote the upbringing of children by their families
- any intervention by a public authority in the life of a child must be properly justified and should be supported by services from all relevant agencies working in collaboration

In support of these principles three main themes appear in Scottish children's legislation:

- the welfare of the child is the paramount consideration when his or her needs are considered by Courts, Children's Hearings and local authorities
- no Court should make an Order relating to a child and no Children's Hearing should make a supervision requirement unless the Court or Hearing considers that to do so would be better for the child than making no Order or supervision requirement at all
- the child's views taking appropriate account of age and understanding should be taken into account where major decisions are to be made about his or her future

(In the case of serious offences, a child in Scotland can be prosecuted at the instance of the Crown in the criminal courts. In such cases, public protection may be the paramount concern.)

1.2 For the purposes of support for children in need and their families under the Children (Scotland) Act 1995 "child" means a person under the age of eighteen years. "Family", in relation to a child, includes any person who has parental responsibilities for a child and any other person with whom the child has been living.

1.3 In acting to protect a child, including making inquiries into allegations that a child has been harmed, agencies should avoid causing the child undue distress or adding unnecessarily to any harm already suffered by the child. Agencies should make sure that children who may be at risk of significant harm receive the highest priority and a speedy response to their problems. All agencies providing services and support to children and their families should have an understanding of the other agencies' roles, responsibilities and legal powers, and should share information about the circumstances and needs of any child and the family where necessary. They should have regard to a child's religion, race, culture and linguistic background, stage of development, gender, age and any disability, when deciding what help or services to give a child.

## Historical perspective

1.4 Professional and public responses to child abuse reflect increasing knowledge gained from experience, research, and public inquiries. New developments change definitions, terminology and professional practice. Earlier government guidance referred to "battered babies", then to "non-accidental injury", "child abuse" and, more recently, to a focus on "child protection". Some children are particularly vulnerable to abuse, neglect or exploitation, for example, children with disabilities or children living away from home. Effective help for a child at risk of significant harm is now known to be based upon careful assessment of the risk of future abuse or neglect, as well as examination of any past incidents of abuse, and requires a co-ordinated inter-agency plan to protect the child.

1.5 Agencies are also encouraged to work together to prevent child abuse and neglect in communities. Child protection is one aspect of child welfare services geared towards meeting children's wider developmental, educational and health needs. Providing services and support to children and families under stress can strengthen their capacity to meet the needs of their children before problems escalate to abuse.

1.6 Public inquiries in Scotland and elsewhere in the UK [\(1\)](#) and research studies [\(2\)](#) into the operation and effectiveness of child protection systems have found that to be effective, agencies need to share information, and co-operate with each other in planning and delivering help and services to vulnerable children. Circular SWSG 14/97 assigns to local inter-agency Child Protection Committees (CPCs) a role in the production of procedures to assist agencies in working together.

## The guidance

1.7 This guidance should help agencies and professionals to understand each other's roles and functions, to plan together and to make best use of their experience and expertise in protecting children. It complements Scottish Office guidance issued for implementation of the Children (Scotland) Act 1995 and guidance to health and education professionals on child protection.

1.8 Many different professionals in statutory agencies and other organisations have contact with children at risk of harm - these include social workers, medical and nursing staff and other health professionals, teachers, educational and clinical psychologists, community education workers, the Children's Reporter, Procurators Fiscal, the police, staff of voluntary organisations and the Armed Services. (Annex D describes the special arrangements for child protection in relation to service families.) Local authorities have a legal duty to safeguard and promote the welfare of children in need in their area. This welfare responsibility is carried out by the department with responsibility for social work services. Education, health services, the police and other departments and agencies also have significant responsibilities for the protection of children. Some children will need protection through action under local child protection procedures, Children's Hearings or Courts. Many others will need other forms of help and support on a voluntary basis from a range of agencies, and in particular education and health services.

1.9 The legal framework for child welfare in Scotland has the Children's Hearings System at its heart. **Any person** may refer a child to the Reporter. The Reporter examines the case impartially and decides whether or not to refer the case to a Children's Hearing. Children's Hearings comprise volunteer lay members drawn from a local Children's Panel, who will discuss a child's difficulties with the child and his or her family and determine how best to meet his or her needs. The Hearing may make a supervision requirement, placing the child under the supervision of the local authority. If the child and/or his parents do not accept the grounds for the child's referral to the Hearing or if the child is not of sufficient age or understanding and the referral is not discharged, a Sheriff will hear evidence and decide whether the grounds exist. The child and the parents may also appeal against a Hearing's decision disposing of the case, or keeping the child in a place of safety on a temporary basis. A further appeal to the Sheriff Principal or the Court of Session is available to the child, the parents and the Reporter. (3)

## Promoting children's welfare

1.10 All professionals working with children and their families will need basic information to develop awareness of child abuse and neglect and, where necessary, training to enhance their skills in recognising and identifying signs of physical injury or neglect, or sexual or emotional abuse. Early recognition and referral of families in difficulty will help local authorities promote children's welfare and respond promptly to cases of suspected abuse or neglect. Joint training for professionals from different agencies is an important way to help them to understand their different responsibilities and perspectives and to work together more effectively.

1.11 The Children (Scotland) Act 1995 requires local authorities to prepare and publish children's services plans in consultation with all relevant local interests including social work, health, housing, education, the Reporter and service users. (4) Plans should set out the range and level of services available for children in the local authority's area, including local services for children and families in which there are concerns about child abuse and neglect. Child Protection Committees also produce annual reports outlining local inter-agency activity and developments in child protection.

1.12 Many schools are taking positive steps to help children protect themselves through programmes of education in health and personal safety. Such programmes should be included in nursery and primary schools ensuring that the content is appropriate for their pupils' age and stage of development. Schools, including the school health service, need to ensure that staff know how to operate local child protection procedures.<sup>(5)</sup> They should include in the curriculum programmes of education about personal safety which deal with risk to children of abuse or exploitation, not only by strangers but also by people the child may know. Secondary schools should build upon this work in education for personal and social development. These initiatives should include education facilities outwith mainstream schools, for example for pupils with special educational needs, or for young people in alternative educational provision, including independent schools. Schools should keep parents, carers and other agencies informed about school child protection policies and procedures and about the content of personal safety programmes.

1.13 Day care services, including out-of-school care and holiday clubs, have an important role to play in assessing, monitoring and supporting children in need, and in helping parents or carers under stress. Many day nurseries in the local authority and independent sectors work with families where a child is in need of protection. Some local authorities have developed special childminding schemes. Staff in day care services and childminders will need support to contribute to child protection.

### **Involving the child and parents**

1.14 All agencies working with children should involve the child in matters affecting him or her, including child protection inquiries, taking account of his or her age and understanding. Staff working with children at risk should help the child to express his or her views and should take these into account when making decisions about what to do next. Parents have legal responsibilities and rights in respect of their children. Statutory agencies making child protection inquiries should encourage and help parents or carers to express their views and participate in inquiries as appropriate, and keep them informed of progress and decisions. There may be cases where, in order to ensure a child's safety, the local authority, the police or another agency must act without parental consent or participation, and, in limited circumstances, without the parents' knowledge. If an agency decides not to inform or involve parents or carers in inquiries they should base this on specific concern for the child's safety and the extent to which inquiries are likely to be hampered by involving parents. The agency should record the reason for any decision to limit parents' or carers' involvement. Parents or carers should be treated in a professional manner - with courtesy and consideration - even where there is reason to believe they may have harmed their child.

### **Children and families affected by disability**

1.15 This general guidance on inter-agency collaboration applies to all work with children and families affected by disability, or who have other special needs. Children with disabilities may have additional needs which require careful consideration and the guidance refers to these at relevant points. If children have sensory impairment, communication or behavioural difficulties, identification of abuse and the assessment of risk may be complex. Some children present challenging behaviour which includes attempts at self-injury or mutilation, or they may be more prone to accident and injury as a consequence of their disability. Children with disabilities may not know how or who to tell about problems or worries. Adults with disabilities may require additional help or services to enable them to fulfil their full potential as parents. They may be anxious about seeking help from statutory agencies because they fear a break-up of their family. Parents with a learning disability may need access to independent advocacy to help them participate in child protection interviews, conferences and planning. All statutory and voluntary agencies working with children and families affected by disability should be aware of local child protection procedures, have access to specialist advice when necessary and receive information and training which equips them to respond properly to any suspicion of child abuse or neglect. Guidance on child protection and communication with children who are disabled is contained in Scotland's Children: Children (Scotland) Act 1995, Volume 1 - *Support and Protection for Children and their Families*. Local inter-agency procedures should include information about sources of information and expertise in their area.

### **Ethnic and cultural minorities**

1.16 The Children (Scotland) Act 1995 requires that when providing services and making significant decisions to safeguard and promote children's welfare a local authority shall have regard so far as is practicable to the child's religious persuasion, racial origin and cultural and linguistic background.<sup>(6)</sup> These considerations should inform child protection inquiries, inter-agency child protection plans and other intervention to promote children's welfare. When assessing a child's needs, agencies should gather information to assist understanding of the child's cultural background and religion. Adequate translation and interpreter services should be made available so that children and families from ethnic minorities can understand what is happening at all stages and participate fully. Interpreters assisting child protection inquiries should, wherever possible, be independent of the local ethnic community, have skills in interpreting for child protection purposes and be aware of the need to maintain confidentiality. Agencies should not ask children to interpret for their parents or carers during child protection inquiries, and other adult family members will not normally be appropriate interpreters. Experience and expertise may be available in individual agencies or be provided by other professionals who know, for example, about particular health needs and their significance for risk to the child. Community groups may be able to provide advice to agencies about particular cultural issues or practices, and to provide support to children and families. Local inter-agency procedures should include information about sources of information and expertise in their area.

## KEY MESSAGES

- The guidance is addressed to all agencies working with children and their families in the statutory, voluntary and independent sectors who may have to respond to information that a child is at risk of harm. It stresses that inter-agency working is essential to child protection and that no one agency should be seen as solely responsible for the protection of vulnerable children.
- The guidance complements that issued by The Scottish Office on the Children (Scotland) Act 1995 and should be used to inform local agency and inter-agency guidelines and procedures. It should help professionals and agencies understand each other's roles and functions.
- At the heart of this guidance is the message that agencies should listen to children and their families and take account of their views.
- Where a family cannot care for their child safely, agencies must act promptly to ensure the child's protection and in doing so should avoid causing further distress to the child. The welfare of the child is the paramount consideration when his or her needs are considered by the Courts, Children's Hearings and local authorities.

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **PART 2: PROMOTING INTER-AGENCY CO-OPERATION - ROLES AND RESPONSIBILITIES**

2.1 All agencies which work with children have a shared responsibility for protecting children and safeguarding their welfare. Each has a different contribution to make to this common task.

2.2 Children rarely contact police or social workers directly about abuse. Most child protection referrals come from other agencies, such as schools or primary health care professionals, or from the public, often parents and relatives, friends and neighbours. The police and social work services rely on others in contact with children to tell them about concerns and to pass on information given by children. Agencies should promote public awareness about risks to children and work towards developing trust between members of the public and professionals. Professionals should inform members of the public that they have an obligation to pass information about child abuse to agencies with statutory responsibilities to make inquiries, such as the social work service, the police or the Reporter, and that confidentiality cannot be guaranteed if a child may be at risk of significant harm.

#### **The statutory agencies**

2.3 The local authority social work services have statutory duties to protect children. When the local authority receives information which suggests that a child may be in need of compulsory measures of supervision, social work services will make inquiries and give the Reporter any information which they have been able to discover about the child. Local authorities have a duty to safeguard and promote the welfare of children in need in their area and, so far as is consistent with that duty, to promote the upbringing of children by their families, by providing a range and level of services appropriate to the children's needs. Some children who have experienced abuse or neglect will need continuing support from the local authority, including specialist services and counselling. Some may need to be looked after by the local authority. Local authorities' criminal justice services also have responsibilities for the supervision and management of risk from adults who have committed offences against children.[\(7\)](#)

2.4 The police have a general duty to protect the public and to investigate on behalf of the Procurator Fiscal, where they believe that a criminal offence may have been committed. They will give the Procurator Fiscal any information which will assist him or her to decide whether a criminal prosecution should take place. The police shall refer a child to the Reporter if they believe that a child may be in need of compulsory measures of supervision.

2.5 On receipt of information from any source about a case which may require a Children's Hearing to be arranged, the Reporter will make an initial investigation. The Reporter may ask for information from other agencies or arrange for the local authority social work service to undertake an assessment or prepare a social background report. Following this investigation and where it appears to the Reporter that a child may be in need of compulsory measures of supervision he or she shall arrange a Hearing. If the Reporter decides that a hearing does not require to be arranged he or she shall inform the child and any other relevant person, including the person who provided the original information. When a hearing is not arranged, the Reporter may also, if appropriate, refer the case to the local authority so that the child and his or her family can be offered advice and guidance on a voluntary basis.

2.6 The Procurator Fiscal, as the Lord Advocate's local representative, has a duty to investigate the circumstances of any crime or suspected crime brought to his or her attention. He or she acts in the public interest and decides whether to bring criminal proceedings. Where proceedings have started, the Procurator Fiscal may precognosce (interview) witnesses. Child protection encompasses effective investigation and prosecution of offences against children. Decisions regarding criminal proceedings against adults or children are taken by the Procurator Fiscal in the public interest, which includes, but is not restricted to, the interests of the child as witness or accused. The gravity of the alleged offences and protection of the public are matters which require to be weighed, but in all actions concerning children, the Procurator Fiscal will have regard to Article 3 of the United Nations Convention on the Rights of the Child which provides that the best interest of the child shall be a primary consideration.

2.7 Health professionals (GPs, hospital and community-based doctors and nurses, and other health care staff) are responsible for the physical and psychological well-being of their patients. They may be the first to see symptoms of abuse or neglect, and should share information about any concerns arising from suspicions of abuse or neglect with the social work service, the police or the Reporter at an early stage. They may also be asked to help with inquiries into alleged or suspected abuse or neglect. Health professionals contribute to inter-agency plans to protect a child and provide support and assistance to families. Commissioners of health services for children should ensure that providers (NHS Trusts, GPs, primary care teams and private and voluntary providers) make arrangements for services which contribute to the prevention of child abuse and neglect as well as the management of health care in child protection cases. For example, health visitors, school nurses and other health professionals can offer considerable advice and support to families under stress.

2.8 Education professionals and school staff are well placed to observe physical and psychological changes in a child which might indicate abuse. Teachers are likely to have the greatest level of day-to-day contact with children and they are able to contribute a great deal to the assessment of vulnerable children. Education staff should always share information about any concerns about a child with the social work service, the police or the Reporter. Education professionals also have an important role in delivering personal safety programmes in schools. These should equip children with the skills, knowledge and understanding to help keep themselves safe.

2.9 Staff in other local authority departments, such as housing or leisure and recreation, may come into contact with children who, or families in which a child, may be at risk. The local authority should ensure that staff across the authority know who to advise if they have concerns about any child with whom they come into contact.

## **Churches and voluntary organisations**

2.10 A wide range of church and voluntary organisations in Scotland work with children and provide a wide range of services and programmes aimed at preventing or reducing the risk of child abuse or neglect, or at helping families recover from child abuse. Children who have been abused or who are at risk from abuse may contact them to talk about problems. Voluntary organisations may also be a source of advice and expertise for statutory agencies working with children with disabilities, communication difficulties or other special needs. Voluntary organisations and statutory agencies, including local authorities, the police and health services should work to develop good relationships. Many Churches and voluntary organisations have issued guidelines and practical advice on child protection and have organised relevant training for adults who work with young people. Voluntary organisations should discuss and share with relevant statutory agencies information they may have about children who may be at risk of significant harm. Statutory agencies should, where appropriate, provide advice and support to voluntary organisations in promoting effective child protection practice in their agencies. Volunteer Development Scotland has produced helpful guidelines on child protection for voluntary agencies. [\(8\)](#)

### **Promoting local co-operation - the role of Child Protection Committees**

2.11 Co-operation in child protection is underpinned by joint agency procedures prepared by local inter-agency Child Protection Committees (CPCs), established in 1991. CPCs monitor and regularly review local inter-agency child protection procedures and help different agencies improve understanding of each other's roles and functions in child protection. Representatives of CPCs meet regularly with The Scottish Office to discuss national child protection policy.

2.12 Circular No. SWSG 14/97 (reproduced at Annex A) provides guidance on the following matters in relation to CPCs:

- purpose and functions
- budgetary arrangements
- accountability and authority
- agency representation
- appointment of office bearers
- conduct of meetings
- sub-committees
- reports from and to CPCs

The Circular also establishes the CPC's role in overseeing multi-agency training.

2.13 Contributing to the work of the CPC is an important responsibility for local agencies. Each agency should ensure active participation and representation at a sufficiently senior level to ensure that the CPC can effectively influence the development of local policy and practice in child protection. Representatives should attend regularly to ensure continuity from all local interests. This includes membership of sub-committees.

2.14 Local CPC inter-agency procedures for dealing with child protection referrals should include:

- guidance as to the circumstances in which it is likely to be appropriate to initiate child protection procedures (i.e. at what point a concern becomes sufficiently serious to require child protection inquiries or investigation)
- to whom a referral should be made, including arrangements both for intra-agency referrals (for example to a line-manager) and inter-agency referrals (for example directly to the police, the social work service or the Reporter)
- the information required for child protection inquiries or investigation on behalf of the Reporter to be pursued efficiently
- how this information should be recorded, the method by which it should be communicated, and how it should be stored
- sufficient information about requirements of effective joint investigation by police and social work so that all agencies, including education and health, may receive referrals from members of the public without compromising any subsequent child protection inquiries or police investigation. Any professional who has regular contact with children should be able to explain to the person making the referral what will happen next

2.15 Local inter-agency procedures should be flexible so that as additional information becomes available, families can be diverted away from the child protection system as soon as this is no longer appropriate to the needs of the child or, on the other hand, be brought into the child protection system if that is necessary. The procedures should require the local authority to record the basis for decisions to proceed, or not, with inquiries under child protection procedures and to base such decisions on careful evaluation of any allegation made by a child, alongside information from all other available sources. The procedures should also recognise that child protection inquiries may indicate that the child does not need protection but the child or family still has a need for other services. A child or family's eligibility for help or services should not depend solely on whether or not the child is perceived at that time to be at risk of harm. Children should not be routed inappropriately into the child protection system as a means of gaining access to services.

### **Requirements of evidence**

2.16 Child abuse and neglect have implications for child welfare and law enforcement. Information gathered during inquiries may be relevant to decisions that must be taken by the Reporter and Procurator Fiscal as well as by the social work services and the police. When the Reporter receives information alleging that a child may have been the victim of abuse or neglect, he or she needs sufficient evidence based on the standard of proof applied in civil proceedings, that is on the balance of probabilities that abuse or neglect is likely to have occurred.

2.17 A higher standard of proof is required in criminal proceedings against someone charged with an offence, where the test is one of proof beyond reasonable doubt. The Reporter may take action to protect a child in certain cases when the Procurator Fiscal may not bring criminal proceedings. All staff undertaking joint investigations or interviews with children which may form evidence in criminal or civil proceedings should have access to local inter-agency guidelines on the investigation of individual cases.

## Specialist advice or expertise

2.18 Many staff will not deal with child protection cases very often and will need access to specialist advice or expertise within their agency. Some agencies have designated individuals who can offer such advice, such as a child protection officer or co-ordinator, or specialists in child assessment or mental health. If an agency does not have access to specialist or experienced staff, they may need to seek such expertise externally and should identify appropriate sources of advice.

2.19 The Child Protection Committee should ensure that advice across agencies is also available locally. All agencies should have ready access to advice from social work services about child protection, local procedures and family support services. Social work services will need advice from medical, nursing and child mental health services, and speedy access to legal advice. Each health board should have a commissioner with responsibility for planning and commissioning child protection related services. Clinical resources should be sufficient to make sure that expert medical and nursing advice on child protection cases is made available to colleagues and other agencies as required. A designated doctor will provide liaison between medical services including hospital and community services, and establish links with local medical committees involving individual general practitioners. A senior nurse will be responsible for similar communication for nursing services. Voluntary organisations may be able to offer advice in appropriate cases. Local Child Protection Committees should include arrangements for access to specialist advice across agencies in local inter-agency procedures.

2.20 Specialist help may be needed to communicate with children and young people with disabilities or who have other special needs during child protection inquiries. Additional support should be made available as required, including access to people skilled in alternative or augmentative communication including makaton, sign language or interpreters, and independent advocates. Arrangements for communication support should be considered in local child protection procedures.

## Staff selection, supervision, support and training

2.21 Employers and others who recruit paid or unpaid staff or volunteers who have substantial unsupervised access to children must check applicants' previous employment history and take up references before any appointment. Employers should explore with applicants any gaps in employment history. They should supervise new staff carefully to reduce the likelihood of child abuse. Local authorities and health services should ask the Scottish Criminal Record Office whether prospective recruits who will have access to children have any criminal convictions. This also applies to staff when they move to new posts which give them access to children, to foster parents, childminders, playgroup personnel and students on social work, teaching or related placements. The arrangements for disclosure of criminal convictions for statutory bodies are set out in SWSG Circular 9/1989, SOED Circular 5/1989 and NHS Circular No. 1989(Gen)22. The Government have extended access to information about criminal convictions to voluntary child care organisations and the arrangements will be extended further when the provisions of Part V of the Police Act 1997 come into force.

2.22 All staff dealing with cases of child abuse or neglect require regular supervision and access to consultation and support. Each agency should ensure that practitioners are familiar with this guidance, any internal guidelines and the legal framework relevant to child protection and that they are fully conversant with local inter-agency child protection procedures. Managers, supervisors and consultants should ensure that practitioners are able to assess children's needs and to communicate and co-operate with other agencies.

2.23 Staff supervision should enable agencies to identify individuals' need for training. Each agency should provide, or arrange, suitable training for staff to equip them to respond appropriately to concern that a child may have been abused or be at risk of significant harm. Such training should be consistent with agency functions. Agencies should provide training on child protection for residential care staff, foster carers, and auxiliary and ancillary staff who come into contact with children. Child protection issues should be included in the induction of new staff.

### **Agencies' responsibilities to share information about Children's Hearings and supervision requirements**

2.24 If a Children's Hearing makes a supervision requirement in respect of a child the local authority should ensure that all other agencies involved with the child and family are informed. A child who is the subject of a supervision requirement is looked after by the local authority for the duration of the supervision requirement, even if the child is living at home with his or her family. The Children (Scotland) Act 1995 places additional responsibilities on local authorities towards the children they look after. Local authorities should refer to Volume 2 of guidance issued on the Children (Scotland) Act 1995 - *Children Looked After by Local Authorities*. The staff of other agencies providing services to the child and family have a responsibility to inform the local authority of any matter relevant to the welfare of the child.

2.25 Where the Reporter decides to refer the child and family for assistance from the local authority on a voluntary basis, the local authority should make arrangements for providing advice, guidance and assistance to the child and his or her family in accordance with Chapter 1 of Part II of the Children (Scotland) Act. [\(9\)](#) The local authority should assess the child's and family's needs for support with reference to Chapter 1, Volume 1 of the regulations and guidance issued for implementation of the Children (Scotland) Act 1995, *Support and Protection for Children and Their Families*. The local authority should plan with the family the services, including services from education, health or other agencies, which may be needed to safeguard and promote the child's welfare. This plan should form the basis of an agreement with the parent or carer of the child and should be confirmed in writing by the local authority.

## KEY MESSAGES

- Each agency makes a distinctive contribution to safeguarding children's welfare within a context of collaboration and shared understanding.
- Child abuse and neglect have implications for both child welfare and criminal justice agencies. Co-operation in child protection is underpinned by joint procedures prepared by inter-agency Child Protection Committees to which all relevant agencies contribute, and by appropriate inter-agency training.
- Local procedures should set out arrangements for responding to and sharing information about allegations of child abuse, which should include access to specialist advice or expertise.

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **PART 3: THE CHILD PROTECTION REGISTER**

3.1 Local authorities are responsible for maintaining a central register, known as the Child Protection Register, of all children who are the subject of an inter-agency child protection plan. The authority may have its own Register, or may maintain a combined Register with other authorities. Registration is an administrative system for alerting workers to the fact that there is sufficient professional concern about a child to warrant an inter-agency child protection plan, and ensures that the plans for these children are formally reviewed at least every six months. Further inquiries, including criminal investigation, may continue beyond this stage. The Child Protection Register provides a central point of rapid inquiry for professional staff who are concerned about a child's safety, development or welfare.

3.2 Standard definitions of abuse and criteria for placing a child's name on the Register were adopted nationally in 1993 following the recommendations of a joint steering group on Child Protection Management Information.[\(10\)](#) The categories of abuse for registration are:

- Physical injury
- Sexual abuse
- Non-organic failure to thrive
- Emotional abuse
- Physical neglect

3.3 The categories are not discrete and may be present in combination. For example, sexual abuse may be associated with physical injury or neglect. Emotional abuse is a factor present in all forms of abuse and a child should be registered under this category if persistent and pervasive emotional abuse is the main reason for impairment to the child's health or development in the absence of other forms of abuse or neglect. Definitions of the present standard categories are given in Annex C. In time new forms of abuse of children may emerge and the standard definitions may have to be extended.

3.4 Agencies should be mindful of the need to take an overview of a child's welfare and development. A series of apparently minor injuries, illnesses or infections, or repeated absences from school may seem insignificant when looked at as individual incidents. Cumulatively they may present a pattern, which when considered with all available information, including that from other agencies, may indicate neglect or abuse.

3.5 The decision to place a child's name on the Register should be taken by a child protection case conference, or the chair of the conference, when there are reasonable grounds to believe or suspect that a child has been suffering, or will suffer, abuse or neglect, or the child is at risk of suffering abuse or neglect, and an inter-agency agreement is needed to protect the child. A child's name should be placed on the local Child Protection Register when:

- a. one or more of the criteria for registration are met [\(11\)](#); and
- b. his or her safety and welfare is considered to require an inter-agency child protection plan.

3.6 The child protection plan provides a framework for inter-agency assessment, casework and review. The child's name and details should be entered on the Register, with a record of the plan for the child and the services to be provided. (See Annex B for minimum information to be entered on the Child Protection Register.) The local authority should inform the child's parents or carers and, if he or she has sufficient age and understanding, the child, orally and in writing about information held on the Register and who has access to it.

3.7 A parent who is concerned that information held on the Child Protection Register is inaccurate should be given an opportunity to discuss this with a manager in the social work service. Child Protection Committees should consider a local mechanism enabling parents to challenge decisions taken by an inter-agency child protection conference, if they believe the decision is based on inaccurate or partial information or assessment or other objective grounds.

3.8 When a registered child moves from one local authority area to another the child's name should be placed on the new authority's Child Protection Register pending a review case conference to discuss the child's new circumstances. The local authority in whose area the child was registered should retain responsibility for the management of the case until a review case conference has been held and arrangements agreed for the transfer of the inter-agency child protection plan to agencies in the receiving local authority area. The authority into whose area the child has moved should arrange a review conference without delay. Education and health records should be transferred speedily to the relevant receiving authority. Where the transferring school has contributed to an inter-agency child protection plan the Head Teacher should ascertain what arrangements the family have made for the child's education in the receiving authority. These arrangements also apply to cases transferred to local authorities in England and Wales, and Northern Ireland.

3.9 The transferring authority should provide comprehensive information in writing about the registered child(ren) and their family, and should include a social and family history, minutes of the last child protection case conference and a copy, or written details, of the child protection plan. If a family in which a child has previously been named on the Child Protection Register moves to another local authority area, the transferring local authority should give the receiving local authority written information about previous concerns and previous and current inter-agency involvement. Both authorities should consider together whether the family's new circumstances increase the likelihood of any risk to the child recurring, or whether the child and family may be in need of support.

## Decision to remove a child's name from the Child Protection Register

3.10 When the professionals who are working with the child and family decide that the risk to the child has been eliminated or reduced, the local authority should remove the child's name from the Child Protection Register. A decision to remove a child's name should normally be made by a review case conference with representation or views from all the agencies working with the child. If an agency does not think a child's name should be removed, this should be noted in the minutes of the case conference which considers de-registration. Child Protection Committee procedures should describe how these disagreements may be resolved.

3.11 Removal of a child's name from the Register should not necessarily lead to a reduction or withdrawal of services or support to the child or family by any or all of the agencies. The risk of child abuse or neglect may have been eliminated or reduced but the child may continue to be a child in need, and require a variety of services from any or all of the agencies to safeguard and promote his or her welfare.

## Making use of the Register

3.12 The Register should be maintained by the social work service. It should be held separately from agency records or case files, in secure conditions. The social work service should appoint a person to maintain and manage the Register - generally known as the Keeper of the Child Protection Register. The Keeper of the Register should make sure that all agencies know how to obtain access to information from the Register at any time. There should be 24-hour access to the Register for all professional staff who need to make an inquiry about a child.

3.13 The Scottish Office Social Work Services Group maintains a list of current Keepers of Child Protection Registers in Scotland, and contact points for Child Protection Registers in other parts of the UK. Local authorities should notify **SWSG, Children's Services Division at James Craig Walk, Edinburgh, EH1 3BA** (Telephone 0131 244 5486) of any changes so that the list can be kept up-to-date. All professional staff should notify the Keepers of local Registers of any changes in the details about children named on the Register.

3.14 When a person makes an inquiry of the Register by telephone, the Keeper, or equivalent, should confirm the person's identity, by calling them back at their place of work, before giving out information. The inquirer should be given the name, office address and contact telephone number of the child's keyworker, so that the inquirer can obtain relevant information directly. If the child about whom an inquiry has been made is not registered, but has the same address as another child named on the Register, the inquirer should be given the same information about the keyworker. In such circumstances the Keeper should also contact the keyworker to find out if there is a need to revise registration information, or for the local authority to make further inquiries. Where the keyworker is unlikely to be available, for example out of office hours, the social work service should make arrangements for minimum information to be disclosed directly to inquirers at the point of inquiry, for example through an Out of Hours Service. A note should be kept of all external inquiries. The Keeper is responsible for notifying other local authorities of the need to transfer child protection registration and copying case conference records when a family/child moves into, or out of, their area. The Keeper will also be responsible for attempting to trace a registered child whose whereabouts becomes unknown.

## KEY MESSAGES

- Local authorities maintain a Child Protection Register which provides a central point of inquiry for professionals who are concerned about a child's development, welfare or safety.
- An inter-agency child protection case conference decides when a child's name should be placed on or removed from the Register.
- The Keeper of the Register should notify other local authorities in writing when a registered child / family moves into, or out of, their area.

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## ***PROTECTING CHILDREN - A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **PART 4: WORKING TOGETHER TO PROTECT CHILDREN**

#### **Recognition of abuse**

4.1 Everyone who works with children and families should be alert to signs that a family is under stress or in need of help with bringing up their children. Early support may help the child or family to tackle problems, improve coping and prevent the risk of significant harm. Guidance on supporting vulnerable children and families is contained in Scotland's Children: Children (Scotland) Act 1995 Regulations and Guidance, Volume 1 - *Support and Protection for Children and their Families*. Where professionals suspect child abuse or neglect they should consult with senior staff or designated child protection officers in their own agency, or contact the social work service, the police or the Reporter directly for advice. Any person who believes or suspects that a child is being abused, or is at risk, should tell the social work service, the police or the Reporter about their concerns.

4.2 There are a number of common stages in the management of child protection cases:

- referral to the social work service, police or Reporter
- initial inquiries
- action to protect the child in an emergency
- inter-agency case conference
- assessment and the inter-agency child protection plan
- monitoring and review

4.3 These stages will overlap; assessment is a continuous process which should inform each stage of the management of a case. Setting the stages out in sequence enables professionals to identify the range of activity for agencies involved in child protection casework.

4.4 When a child tells any adult about possible abuse, his or her statements should not be dismissed or ignored. The adult should attend carefully to what the child wants to communicate. Sometimes children may say things which may seem fantastic. Adults should consider what may have prompted this and assess their meaning and significance. Adult abusers sometimes use stories or fantasy to make a child's claims of abuse less credible. Where information is offered, those receiving the information should listen carefully to what is being said, be attentive and responsive taking into account the child's age and stage of development, and allow the child to say what he or she wants to, without being drawn into detailed questioning. Care must be taken to avoid undermining future inquiries or police investigation, for example by asking leading or multiple questions. The listener should record as accurately as possible anything a child has said, noting exact words, time, place and context, as far as possible, and should avoid summarising the child's account using the listener's words.

4.5 Children who report abuse may be anxious about the information being shared with others. If necessary the listener should reassure the child that he or she is right to talk to an adult about being hurt or harmed, and that the adult must take what the child says very seriously. Any professional should make clear that other people may have to be informed to make sure that the child can be properly protected. They should not make promises to children about confidentiality of information. Schools are now encouraged to have codes on confidentiality which make clear to their pupils what kinds of information cannot be kept confidential. In most cases the listener should be able to explain to the child who else will need to be told and why, giving a commitment to keep to a minimum the number of people who need to be informed. The professional should, as far as he or she is able, tell the child what is likely to happen, and should find out the child's views and wishes to inform the next steps.

4.6 When a parent or adult refers concerns about a child, the person receiving the referral should ensure, as far as practically possible, that suspicions or allegations of abuse or neglect are not discussed in the child's hearing. This could prejudice the reliability of any information the child may provide later.

## **Screening referrals**

4.7 Members of the public and all those who work with or have contact with children and their families should know when, how and to whom they should report any concerns they have about a child's safety or welfare. Systems for receiving and processing referrals should be simple and accessible, so that children and families can obtain help quickly. Where they suspect child abuse or neglect, professionals must share relevant information with the social work service, the police or the Reporter promptly. When local authorities receive referrals concerning children, they will need to reach a view on the nature of the child's needs and what response is needed, if any, to promote or safeguard the child's welfare. Many referrals will not need a response under local child protection procedures. After making initial inquiries into a child's circumstances, the local authority or other agency may decide that further inquiries are not required or that some other response is more appropriate, for example offering advice, guidance, assistance or other services to the family. Co-operation between agencies will help them deal with cases appropriately. Local authorities should consult with other agencies, including professionals who may know the child and family, before deciding whether or not to initiate child protection inquiries.

4.8 All referrals, including those which do not require an immediate response, should be acknowledged quickly, indicating when a response will be made. When the local authority receives any referral it will need to seek further information from the relevant agencies, including police, health and education services, in order to decide the most appropriate response to make. There is then a range of responses to referrals; the local authority may do one or more of the following:

- provide advice or information, and take no further action when the task is completed
- refer the family to another agency or service
- seek further information from the family or others
- offer a service (for example allocate a social worker to visit the family or provide a place in a day care service)
- undertake an assessment of the child and family's needs in order to inform future decisions
- make inquiries, after consultation with the police and other agencies, under local child protection procedures
- in cases where a child may have been a victim of abuse or neglect, undertake a joint investigation with the police

4.9 In all cases, including anonymous referrals or emergencies, where a child is referred to the social work service because of concern about his or her safety or welfare, the social worker receiving the referral should explore the information with the referrer carefully. The referrer may be worried about the consequences of talking to social work services about his or her concerns, and may require an explanation of the local authority's duties and responsibilities towards children and families.

4.10 The social worker should gather and clarify information before acting. Even in emergencies the initial assessment of information should be discussed and endorsed by a social work manager. The social worker and senior colleagues must decide which agencies to consult and whether to make inquiries under local child protection procedures. They should ensure through consultation with other agencies who know the child, that they have all available relevant information to decide what form further inquiries should take. In cases where the level of concern is sufficient to warrant consideration of child protection procedures the social work service must consult with the police. This may in the first instance involve sharing information, or may suggest the need for a joint investigation by police and social workers. These decisions are complex and child protection procedures should support a measured response to the range of referrals of children who may be at risk, keeping the welfare of the child as the paramount consideration in decision-making. CPCs should agree procedures for liaison and co-operation between staff undertaking child protection inquiries and the Reporter.

4.11 When a local authority suspects that a child is suffering, or is likely to suffer, significant harm, inquiries under local child protection procedures should include consideration of any risk to other children in the household or family.

## Sharing information

4.12 Personal information about children and families given to professional agencies is confidential and should be disclosed only for the purposes of protecting children. Nevertheless the need to ensure proper protection for children requires that agencies share information promptly and effectively when necessary. Ethical and statutory codes for each agency identify those circumstances in which information held by one professional group may be shared with others to protect a child. Agencies should not disclose information given in confidence for any other purpose without consulting the person who provided it.

4.13 When a child is being looked after away from home in residential or foster care, his or her carers must be given full information about the child's background and any previous experience of abuse or neglect, including any history of sexual abuse or sexualised behaviour. Carers need to have sufficient information about any allegations of abuse to help them understand how the child may feel and behave, and to cope confidently with after-effects of trauma. Local authorities should draw upon carers' skills and experience in observing and assessing children. If a child in their care alleges abuse, carers should remain receptive to what the child says, or how he or she behaves, without detailed questioning of the child which might prejudice subsequent child protection inquiries (see paragraphs 4.4 and 4.5).

### **Initial inquiries**

4.14 Initial inquiries under child protection procedures into concerns about a child's welfare will be carried out by local authority social workers acting alone or jointly with other agencies, such as the police or health and education professionals. They may ask a GP or paediatrician to examine a child for signs of trauma, or a health visitor to provide a report about the child or the family. The public and professionals are likely to contact social work services about equivocal and borderline cases, where the nature of the concerns about a child need clarification. Social work services will consult with other agencies and make preliminary inquiries to establish whether there is genuine cause for concern or intervention. Other professionals may be asked to assist. Social workers and police may need to interview a child jointly to progress child protection inquiries. Staff who carry out these interviews will have special skills and training in talking to and listening to children.

4.15 All allegations of child abuse or neglect, including anonymous referrals, should be taken seriously. Professionals should consider all cases with an open mind without assuming that abuse has, or has not, occurred. All referrals, particularly those involving allegations of sexual abuse, warrant a carefully considered and measured response. Professionals must be alert to the possibility of abuse of children they already know and similarly, they should be alert to the possibility of child abuse or neglect in cases in which concerns about child abuse are not stated in the referral.

4.16 Agencies making child protection inquiries must first obtain all relevant information about the child and family and their circumstances, to identify any sources of potential harm to the child and to assess the degree of risk. On the basis of their assessment of risk, agencies need to decide whether any immediate action should be taken to protect the child and any others in the family.

### **Legal measures for the protection of children at risk**

4.17 In some cases local authorities must take urgent action to protect a child from significant harm. In some cases a child's parents may agree to the local authority providing the child with accommodation and looking after him or her, until concerns about the child's safety, or allegations of abuse or neglect, can be clarified. The local authority might also consider whether others in the child's extended family or social network could look after the child while agencies carry out further inquiries or assessment. There will, however, be cases where the risk of significant harm befalling the child may make it necessary for agencies to take legal action for his or her protection. Any person may apply to a Sheriff for a Child Protection Order (CPO) (12), or the local authority may apply for an Exclusion Order (EO) (13). The CPO authorises the applicant to remove a child from circumstances in which he or she is at risk, or retain him or her in a place of safety. The EO requires the removal of a person suspected of harming the child from the family home. A Justice of the Peace may also, in certain circumstances, authorise the removal of the child for a short period if a Sheriff is unavailable and, in limited circumstances, a police constable may take the child to a place of safety (14).

4.18 The responsibility to take any urgent action to protect a child rests with the local authority within whose boundaries the child is located when such action is deemed necessary, even if the child does not normally live within that local authority's area. Other agencies or professionals may need to apply to a Sheriff for a CPO or to a Justice of the Peace, where a Sheriff is not available, for authority to remove a child where emergency protection is necessary. In such circumstances the applicant should contact the local authority social work service for advice. If a local authority or any other person is considering emergency action to protect a particular child, the need for similar action to ensure the safety of any other children in the household should be considered at the same time.

4.19 The Children (Scotland) Act 1995 also makes provision for the local authority to apply for a Child Assessment Order (CAO) if it has reasonable cause to suspect that a child may be suffering or is likely to suffer significant harm and the parents or carers are refusing to allow the local authority to see the child (15). The CAO requires the parents or carers to produce the child and allow any assessment needed to take place to help professionals decide whether they should act to safeguard the child's welfare. The authority may ask, or the Sheriff may direct, someone else, such as a GP, paediatrician or psychiatrist, to carry out all or any part of the assessment. Professionals must assist in carrying out these assessments when asked to do so and local procedures should make provision for this. Where the child is of sufficient age and understanding, he or she may refuse consent to medical examination or treatment whether or not a CAO is made (16).

4.20 More detailed guidance on the new provisions in the 1995 Act is contained in Scotland's Children: Children (Scotland) Act 1995 Regulations and Guidance - Volume 1 *Support and Protection for Children and their Families*.

## **Criminal prosecution of alleged perpetrators of abuse or neglect**

4.21 If an allegation of child abuse or neglect proceeds to prosecution, the social work service should discuss with the police and Procurator Fiscal any concerns about the risk of further abuse or interference with witnesses in the case, so that such matters can be considered when decisions are being taken by the Court about bail and any conditions which may need to be attached to bail, if granted. The initial child protection case conference may provide an opportunity for the social work service, the Reporter and the Procurator Fiscal to discuss recommendations about bail and any necessary conditions. The Sheriff will decide whether to grant bail or not.

4.22 If an alleged perpetrator of abuse is to be prosecuted, child victims should always be provided with support, information and preparation for the experience of being a witness in Court. The local authority and other agencies need to consider a range of issues if the child needs counselling or therapy before criminal proceedings are concluded. The needs of the child are paramount, and counselling should not be withheld solely on the basis of a forthcoming prosecution. Agencies must consider the potential impact of an unsuccessful prosecution or hostile cross-examination of a child, and the implications for future protection of that child and others if a prosecution does not succeed. Where counselling does take place, the person(s) offering counselling may be called as witnesses to explain the nature, extent and reasons for the counselling. Welfare agencies should discuss this with the Procurator Fiscal so that he or she can be aware of the potential impact of such counselling on any criminal proceedings. In order to alleviate the stress for a child giving evidence, it is possible to have a support person present, to use screens to hide the accused from the child, or to use a live television link when the child is giving evidence. In appropriate cases, the Procurator Fiscal can make an application to the Court, with whom the final decision on use of these options rests.

### **Outcome of child protection inquiries**

4.23 The local authority should inform the parents or carers, and the child, where appropriate (having regard to his or her age, maturity and understanding), in writing of the outcome of child protection inquiries. Where inquiries do not substantiate concerns, the local authority should explain again the agency's legal responsibility to inquire into concerns about children's safety, and acknowledge any distress or disruption that such inquiries may cause. Further support or other services should be offered where necessary. Referring agencies should be informed of the outcome of child protection inquiries promptly and in writing. It is important that public confidence in professionals' response to their concerns about children be maintained. When members of the public make referrals to a statutory agency, in most cases it should be possible to provide some information about the professionals' response without giving confidential information about children and families.

4.24 In some cases it may be appropriate for the alleged or suspected abuser to leave the household, with assistance if necessary. If he or she is unwilling to do so the local authority may apply to a Sheriff for an Exclusion Order. If there is no safe alternative to the local authority looking after the child away from his or her family, the social work service must make arrangements for the child's care, consistent with their duties towards children looked after (17), which promote and safeguard the child's welfare and which take account of the child's views and wishes, and those of his or her parents and other family members. The social work service must ensure that the child's contact and relationships with all important members of his or her family, including any suspected perpetrator, should be maintained as appropriate. If the social work service believe that limited or supervised contact is necessary, the reasons for this should be recorded and the parents advised in writing.

4.25 Following inquiries, the local authority may find that a referral does not require further investigation under local child protection procedures, but the child or family needs help in other ways. The local authority should arrange any necessary help or services from child health and social work services, or additional support from education professionals or voluntary agency support services, either directly, or by putting the family in touch with other agencies.

## Recording

4.26 Each agency should have a policy on record keeping which states the purpose and format that staff should use when recording information about their clients, patients, pupils or users. The policy should include arrangements for ensuring records are fit for purpose and are maintained to appropriate standards, who will have access to records, and for how long they will be kept. All agencies must establish procedures to ensure speedy transfer of relevant records when a child and/or family moves into or out of the agency's area.

4.27 Staff in different agencies should keep up-to-date case records of their involvement in any child protection case. Records should include:

- details of any concerns about the child and family
- details of any contact or involvement with the family and any other agencies
- the findings of any assessment
- any decisions made about the case within each agency or in discussions with other agencies
- a note of information shared with other agencies, with whom and when

4.28 Staff in local authorities, health services or other agencies may receive information which may form evidence in later criminal or civil proceedings. The information received in a referral must therefore always be written down accurately and in detail, either at the time or immediately afterwards. Child Protection Committees may develop standard referral forms for use by all local agencies. Records should note the date and time that any incident occurred and the date when the record was made. When recording their intervention and activity in child protection cases staff should take contemporaneous notes wherever possible, and should complete records as soon as possible after an event or interview. Original notes and case records, drawings or other written material should be retained even if information is condensed into summary reports.

4.29 Recording systems should meet the requirements of legislation on access to files and data protection. Storage arrangements should be adequately secure and protect client confidentiality. Professional records may need to be made available to the police or the Reporter when required.

## Child protection case conferences

4.30 Multi-agency case conferences are an essential feature of inter-agency co-operation to protect children. They enable agencies to consider information about allegations or suspicions of child abuse and neglect and the outcome of child protection inquiries. They assist planning to help families and welfare agencies ensure that a child at risk is properly protected from harm. They can assist those agencies which consider possible criminal proceedings and the likely impact of these on the child. The social work service should discuss the need for a conference with other agencies at an early stage in inquiries. Case conferences will be convened by the social work service if a case requires inter-agency discussion and planning. Any agency may ask the social work service to convene a child protection case conference about a particular child. Local inter-agency procedures should contain information about arrangements for child protection case conferences and should include advice for all agencies about how to ask the social work service to convene a case conference about a particular child.

## Objectives

4.31 A child protection case conference may have a number of objectives; it will undertake some or all of the following tasks:

- ensure that all relevant information is shared and collated
- assess the degree of existing and likely future risk to the child
- identify the child's needs and any services from any of the agencies that may be needed to help him or her, whether or not the case conference concludes the child is at risk
- review a current child protection plan

A child protection case conference will decide:

- whether a child's name should be placed on, or retained on the Child Protection Register
- if the child is registered, the arrangements for the inter-agency child protection plan
- when a child's name may be removed from the Register

4.32 Each participant should be clear about the reason for, and purpose of the conference, why he or she is present, and their current role and contribution to the management of the case. Each is responsible for ensuring that their own agency is aware of the tasks or action required. If the local authority or another agency has not already made a referral to the Reporter, the case conference should consider whether this is necessary. If the case conference decides that referral is appropriate the local authority, or another agency if more appropriate, should take responsibility for making the referral. The referring agency should include the collective view of the conference in the referral information. Any referral arising from the case conference should be made to the Reporter as soon as practicable after the conference.

## Timing of case conferences

4.33 When initial inquiries are complete, professionals involved with the family should consider whether further action is necessary and if so whether this needs to be action within child protection procedures. An initial case conference can enable professionals from different agencies to make a well-informed decision about future protection of the child. The local authority or the police should not however delay any necessary action to gather information or to ensure a child's immediate safety until a case conference takes place.

4.34 The timing of the first inter-agency case conference will vary from case to case. The first case conference may be held after agencies have held a planning meeting to agree a strategy for responding to a referral alleging that a child has been harmed. The local authority may have already taken urgent action to protect the child. In other cases, the first case conference may be held earlier, to pool information about the child, the family and any suspected abuser, and to identify how any further inquiries should proceed.

## Participation

4.35 The number of people involved in a case conference should be limited to those with a need to know or those who have a contribution to make to the tasks identified. In addition to local authority social worker(s), other participants might include the Reporter, health professionals, police, teachers, educational psychologists, relevant voluntary organisations, Procurators Fiscal (although their interests may be represented by the police), and Armed Services staff where children of service personnel are involved. Agencies should encourage parents and carers and, where appropriate, children, to attend case conferences about their family. To encourage participation in the conference, the social work service should arrange, as far as practicable, times and venues for case conferences which are convenient for participants, taking into account school and surgery or clinic times, and parents' and children's needs. Sufficient notice of conferences should be given to enable professionals such as GPs or teachers to arrange cover or to send written reports. All persons invited to a case conference should understand its purpose and the relevance of their particular contributions.

4.36 There may be occasions when it is appropriate to invite to the case conference non-agency or non-professional staff such as foster carers, home carers, childminders, volunteers or others working with the child or family. The professional most closely involved with the person to be invited should brief him or her carefully beforehand. This should include providing information about the purpose of the conference and their contribution, the need to keep information shared confidential, and advice about the primacy of the child's interests over that of the parents where these conflict.

4.37 Any participant who is unable to attend should send any information and their views about any risk to the child(ren) to the chairperson, normally in writing. They should quickly be informed of the outcome of the conference. If the Reporter is not able to attend a case conference they should provide the chairperson with any information which they think relevant for the protection of the child. The Procurator Fiscal should provide information about criminal proceedings which may be relevant to the child's protection and support, such as proposals for bail. Legal advice from the local authority should be available as needed. The Procurator Fiscal will also make available to the Reporter any relevant information about an alleged abuser from any psychiatric, psychological or other specialist reports prepared at his or her request.

4.38 If an agency cannot comply with the child protection plan agreed at a case conference they should discuss this with the officer appointed by the social work service as the keyworker for the case, normally an allocated social worker. The keyworker will then inform other people working with the family and agree a contingency plan.

4.39 Where it appears to a case conference that information about the mental health of a family member, or members, may assist consideration of a child's welfare, a psychiatrist or a member of another relevant profession should be invited to the conference or asked for advice.

### **Requirements for effective case conferences**

4.40 Case conferences should be chaired by a senior member of the social work service with appropriate training and skills in the chairing of inter-agency conferences. The chairperson should not have first line management responsibility for decision-making about the case. All participants should prepare themselves for the conference, have available written reports, and give careful consideration to each contribution.

4.41 Clear and, wherever possible, consensual decisions should be made about registration or, where appropriate, de-registration. Where there is disagreement amongst participants, the chair will make the final decision. The conference should identify a keyworker and a core group of staff from the relevant agencies who will carry out the necessary tasks to protect the child, and agree arrangements for sharing information between conferences. Participants should agree a child protection plan and make sure this is understood by all concerned.

4.42 The local authority should prepare a written note of the case conference which:

- records who attended and any apologies or absences
- summarises established or new information and key points from discussion at the conference
- records decisions of the case conference and responsibility for action on registration, recommendations for the inter-agency child protection plan and the date and time of the next review conference with any reservations or dissenting views on these matters also being recorded

The chairperson should not be responsible for making the note of the case conference but he or she should check the note for accuracy. The local authority should circulate the note to all those invited to attend the conference. The keyworker, or social work manager, should inform parents or carers about the child protection plan and, if the child's name is placed on the Register, the purpose and use of the Child Protection Register. Parents should also be sent written information about the case conference outcome (see paragraph 4.47 below).

### **Involvement of children and parents**

4.43 Case conferences should take account of children's views and feelings, having regard to their age and understanding. Whenever children are able to express their wishes and feelings and are able to contribute to assessment, planning and review, they should be invited to attend the case conference, if this is consistent with their welfare. The social worker should prepare each child by giving full information about case conferences. The child should also be told that he or she can ask for someone to be present for support at the conference. If a child does not wish to attend, or if this is inappropriate, the professionals working with the child should make sure that the conference has information, in writing, about his or her views. The keyworker should make sure that the child knows about the plans for him or her.

4.44 Professionals should actively seek to develop partnerships with parents and be honest and sympathetic towards parents but without losing sight of the child's needs. Parents and carers need clear information about professionals' concerns if they are to change behaviour which puts their child at risk. They may be anxious and angry about professionals' intervention in their family and some may express these feelings at the conference. This should not be allowed to interfere with the task of the case conference and the chairperson should ensure that parents are informed in advance about how information and discussion will be presented and be managed. The social work service should prepare parents and carers before conferences by giving them information about the reasons for professional concern, agencies' statutory powers, the roles of agencies involved and parents' legal rights. Parents may need to bring someone to support them when they attend a conference. Written information about child protection case conferences should be made available to children and parents, in the form of local leaflets or national public information (18). Guidance on parents' attendance at case conferences should be contained in local inter-agency child protection procedures.

4.45 When planning a case conference the chairperson should consider with the family's keyworker and any other relevant agencies, whether there is any reason why the parents or, if capable of doing so, the child, should not attend all or part of the conference, for example because concurrent legal proceedings would prevent their participation in discussion. If their participation would prevent the case conference from achieving its functions the chair should consider how the parents' or carers' or the child's views can be communicated to the case conference. The chair should inform participants and the family of any decision to exclude family members and the reasons for this. When parents do not wish to attend a conference, this should be recorded with any reasons given.

4.46 When a case conference decides to place the child's name on the Child Protection Register and agrees an inter-agency child protection plan, the local authority should give the family a written summary of the proposed action, even if they attended the case conference. Parents should be told what information will be held on the Register and how this may be used, and details should be checked with them for accuracy. The keyworker should talk to parents or carers about how they will be involved in planning for the child, and consider with the child's mother or other carers how fathers without parental responsibilities may be informed and included where appropriate.

4.47 It is good practice to confirm important information to parents in writing. The social work service should provide details of the inter-agency child protection plan to parents in writing. This should include the reasons for the agencies' concern about their child, the services to be provided for the family and the parents' and agencies' expectations of each other. The local authority should explain to the family the different responsibilities of case conferences, the Reporter and Children's Hearings and, as far as possible, help families to understand where decisions about the protection of children are made.

4.48 Parents or carers who disagree with any case conference decision should be given an opportunity to discuss this with a manager in the local authority social work service. Where the parent or carer is unwilling to comply with the child protection plan, the social work service should consider whether there is a need for further action to protect the child. Parents, or children who have a complaint about a particular agency's service or actions should raise this with the agency concerned. In some circumstances they may need help to do this. All agencies should have procedures which families can use to pursue complaints about their service.

### **Assessment and plan to protect the child**

4.49 Protection, treatment and other services for the child and family should be based on a comprehensive assessment of the child's and family's needs, including an assessment of the level of risk to the child. All cases in which a child's name is placed on the Child Protection Register require a comprehensive assessment. An assessment involves gathering information purposefully to assist social workers and other professionals to identify aspects of the child's health, welfare or development that require some help. It will identify what services are needed to reduce risk of harm and to enable the family to find ways of addressing difficulties so that a child's needs can be properly met. Sometimes a child's needs cannot be met by their family at home. An assessment should focus on a family's strengths and skills as well as difficulties. Assessments vary in complexity and scale. Some assessments will take relatively little time and can be carried out by a social worker gathering and evaluating information directly or from a small number of sources. Other assessments may be more complex, may involve a range of professionals and may take considerable time, involving meetings with family members and consultation and meetings with other professionals, or require the child or the family to undergo assessment in a residential setting. Between these extremes can come a range of different levels of involvement. Assessments of children with disabilities should involve professionals with requisite skills and specialist knowledge. The results and outcomes of each agency's assessment or contribution should be written down and made available to families.

4.50 The purpose of assessment is to acquire a full understanding of the child and family's circumstances in order to provide a sound basis for decisions about future actions. Short-term plans may follow a preliminary assessment made during or at the conclusion of initial inquiries. These may need to be revised at a later stage. The keyworker is responsible for ensuring that a comprehensive assessment is undertaken. In order to plan the assessment the following questions should be considered:

What information is needed and how, and by whom, can this be gathered?

What are the child's and family's views about the assessment and how will the family contribute?

Who has parental responsibilities?

Where will the work be undertaken?

Does the child or family have any special needs, for example because of disability or communication difficulties, and how will these be addressed?

When should the assessment be completed?

How will it be recorded?

What is the legal status of the child and how will the assessment impact upon any legal or other action, for example, prosecution of an alleged abuser, civil proceedings in respect of the child, or assessment directed by a Children's Hearing?

4.51 The comprehensive assessment will inform the child protection plan and should be reviewed throughout the agencies' involvement with a family. The plan should take into account the child's and parents' views and wishes, local resources, the availability of specialist facilities and their suitability for addressing the particular needs of the child and his or her family.

4.52 Local authorities should make sure that families understand the objectives of the child protection plan and are willing to work with professionals to achieve these. If the family do not agree with the plan to protect the child, they should be given opportunities to discuss this. If they feel that they have been treated unfairly or that any agency has acted inappropriately they should be given information about the agencies' complaints procedures. If the family refuse to co-operate with the child protection plan, the local authority, in consultation with other agencies, should consider whether to reconvene the case conference or take further action to protect the child. The local authority should advise the family about sources of independent advice or advocacy.

4.53 A separate plan for work with perpetrators of abuse may be needed to complement the plan for the protection of the child. Such plans may be needed in a range of circumstances: where an unconvicted offender, who accepts responsibility for abuse or neglect, agrees to work with social work services on personal change; where an offender is placed on probation; during a custodial sentence and following release, if an offender is released on parole or other statutory licence, or seeks voluntary assistance. The Scottish Office has issued guidance for local authorities and other agencies on the supervision and management of offenders against children in the community, and preparation and work with offenders released from prison (19). If a child has been abused by another child or young person, at home, in school or in other circumstances, social work services should separately assess the circumstances, needs and risk presented by that young person and work with him or her to reduce the likelihood of the young person abusing again.

4.54 Any staff or professionals working directly with perpetrators of abuse should co-operate fully with the keyworker in the preparation of a comprehensive assessment and recommendations for action. A criminal justice social worker may prepare a social enquiry report, or, following a conviction, may supervise the offender in the community. Similarly, in the event of a custodial sentence, prison-based social workers may be working with the offender. The keyworker will contact prison-based staff where the alleged or convicted offender is remanded in custody or is serving a custodial sentence as the case may be, and, where he or she is a parent of or has parental responsibilities for the child, advise him or her of any arrangements for a case conference, the outcome of any case conference, assessment or child protection plan.

4.55 Circular SWSG 11/94 requires prison and community-based social workers to consider what action may be needed to reduce any risk to any children from those convicted of offences against children, when they are released from prison. Where offenders who are placed on probation or released from prison return to a family in which a child may be at risk, the social work service should deploy more than one social worker in order to serve adequately the needs of the child and other family members, and to deal effectively with the offender. The Sex Offenders Act 1997 makes provision for offenders convicted of specified sex offences including sex offences against children, to register their names, any aliases, their address and any subsequent changes with the police for periods from 5 years to life. Related guidance sets out how information on sex offenders (not just those required to register under the Act) should be shared, managed and used to reduce risk to the public (20).

### **Pre-birth case conferences**

4.56 Agencies should consider convening a case conference about an unborn child if there appears to be a risk of significant harm to the child when he or she is born. This case conference will have the same status and form as any other. Parents or carers should be invited to a pre-birth conference and should be fully informed and involved in planning for the child's future, unless this would increase the risk of harm to the unborn child, for example by prompting the family to avoid contact with ante-natal services or to move out of the area. The case conference may decide that the child's name should be placed on the Child Protection Register when he or she is born and agree an inter-agency child protection plan. The conference may recommend that the local authority seek a Child Protection Order at birth. The plan may include tasks to be undertaken by agencies to support and prepare parents before the child's birth. The social work service should identify a keyworker to co-ordinate the plan.

## Review case conferences

4.57 If a child's name is placed on the Child Protection Register, a first review conference should normally be held within three months, and no later than six months, and at six monthly intervals thereafter while the child's name remains on the Register. The local authority should also consider the need for a review conference when there are significant changes in the child's or family's circumstances.

4.58 The purpose of a review case conference is to review the progress of inter-agency work to protect the child, to consider any continuing risk to the child and whether there is a need for his or her name to remain on the Child Protection Register and to update the inter-agency child protection plan as required.

4.59 If a review case conference about a child on a supervision requirement recommends changes to the plan for work with the child which are likely to have a bearing on the level of supervision of the child and family, the social work service should consult with the Reporter about the need for a review Children's Hearing. Even when the decision to remove a child's name from the Register does not conflict with the terms of the supervision requirement, the social work service should still give consideration to asking for a review Hearing if, for example, a reduction in the amount of inter-agency contact or support is planned.

4.60 After any risk of further abuse or neglect has been eradicated or reduced to the level where an inter-agency child protection plan is no longer necessary, all agencies should continue to be mindful of the possible needs of the child or family for help or support. In particular, schools and other agencies in close contact with the family should remain alert to the child's and young person's continuing need for support even when other agencies are no longer involved with the family.

### KEY MESSAGES

- Agencies need to understand the causes, and be alert to signs of, child abuse and neglect, and be willing to provide help and support at an early stage.
- Agencies should work in partnership with families, by informing and involving them in decisions and enabling them to participate actively in plans.
- Local authorities should plan child protection inquiries in close consultation with the police and other agencies, in particular health and education.
- Sharing information with other agencies is essential to the success of child protection inquiries.
- Legal measures to protect children through the Courts are available in emergencies or when families are unwilling to assist.
- Evidence should be gathered in ways which ensure the effective prosecution of crimes against children.
- All agencies should contribute to assessment and decisions about how to protect children from abuse and should give priority to helping children recover from the trauma of abuse or neglect.

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **PART 5: JOINT INVESTIGATION - POLICE, SOCIAL WORK AND HEALTH**

5.1 Joint investigation describes the process whereby social work, police and health services plan and carry out their respective tasks together when responding to complex or substantial child protection referrals. Social work conduct their inquiries into a child's welfare, police carry out criminal investigation on behalf of the Procurator Fiscal and health services undertake medical examination, assessment and treatment of children concurrently. All referrals of child sexual abuse should be considered for joint investigation. Children undergo fewer interviews and medical examinations when these agencies act jointly and the disruption and trauma to families can be reduced.

#### **Planning a joint investigation**

5.2 Detailed arrangements for joint investigations involving social work, police and health should be developed by the Child Protection Committee in local inter-agency procedures. These should describe local arrangements for access to interview facilities, specialist medical assessments, including forensic examinations and psychological or psychiatric advice, and the role of any other local agencies or specialist facilities. Agencies should agree arrangements for resolving disputes about the management of individual cases where these arise and specify how these will be recorded.

5.3 When the police or social work service receive an allegation of child abuse or neglect, they should inform the other agency, jointly consider the referral and agree an initial response. The police do not normally assess the child's welfare, although they may be required to do so and take immediate action to protect the child in emergency situations. Social work services have the skills and resources to do so and can call on specialists where necessary. Police should routinely involve the social work service before interviewing children who may have been abused or who may have witnessed abuse.

5.4 Senior officers in social work, police and health services should be responsible for planning, co-ordination, liaison and conduct of any joint investigation and interview. These agencies need to designate officers with expertise, appropriate training and sufficient authority to act on behalf of their agency; and to approach other local authorities/agencies to initiate and review joint working. They should ensure that each agency will implement jointly agreed decisions and provide the resources needed to do so.

5.5 The police and social work service should share and evaluate jointly all relevant information at a planning meeting or discussion chaired by a senior officer in the social work service. Health services should be consulted and involved in planning wherever possible. A core team of professionals will carry out the investigation jointly, and will normally include a social worker and police officer.

5.6 The investigation plan should consider the following questions in relation to the child, and record who is responsible for each task, how they will carry this out and by when:

- Is the child in need of immediate protection? If so what arrangements should be made for his or her care? Should the local authority look after the child or can other safe arrangements be made with the extended family or other carers known to the child?
- What information is available about the child's views and wishes?
- Is interviewing the child the most appropriate step at this time? Are alternative courses of action, for example, interviewing other adults and/or children more appropriate?
- What is the most appropriate location and timing for any interview with the child? Who should conduct the interview? Is there a need for specialist input (and, if so, who can provide it)? Who else should be present at the interview, for example a relative of the child, an interpreter, an appropriate adult?
- Has the child any special needs (for example arising from either chronic illness or physical disability, sensory impairment or learning disabilities, language or communication difficulties, emotional or behavioural difficulties)? What additional arrangements need to be made to assist the child?
- Should the child's statement be recorded on audio or videotape, and how should any information be collated and stored?
- What arrangements may need to be made for any medical examination of the child, including location, number and gender of medical staff, and what are the arrangements for obtaining consent?
- The team should regularly assess progress achieved against the initial plan.

5.7 As well as dealing with matters in relation to the child, the plan should also cover such matters as:

- identification and interviewing of potential witnesses
- treatment of suspect(s) - (arrest/detention, medical evidence/forensic examination, interview, search warrants, etc.)
- whether there should be liaison at this stage with the Reporter and the Procurator Fiscal

## **Medical examination and assessment**

5.8 A medical examination or assessment is likely to be an essential element in many joint investigations, although this may not provide evidence that a child has or has not been abused. Medical information may assist the planning and management of any inquiries. Medical assessment alongside other information from police and social work may help decide if further investigation is necessary.

5.9 A medical assessment may have been carried out before other professionals become involved, for example if a child has attended a hospital Accident and Emergency Department. If a preliminary medical examination raises concerns that the child may have been abused, health staff should contact the social work service in the hospital or in the community, and/or the police. The police may consult with the Procurator Fiscal as to the necessity for medical examination and give instructions accordingly. Local inter-agency child protection procedures should describe local contacts for hospitals. The core investigating team may ask for a medical assessment to assist an investigation already underway. The assessment should include a full medical history. The child may need to be physically examined to ascertain whether there are any signs or symptoms of abuse and to arrange any necessary treatment. Assessments will usually involve a physical examination of the child, unless the examining doctor is satisfied that this is not necessary. If photographs, for example of injuries, are required these should be taken at the time of the medical examination wherever possible to minimise the need for repeated examination of the child.

5.10 In carrying out any necessary physical examination, medical staff will have regard to the emotional and health care needs of the child. They will also take account of the need to collect and protect any forensic evidence of abuse. Medical assessments, including any necessary physical examination, should, where practicable, be carried out in a setting suitable for children, in which appropriately qualified staff are available and where access is easily available to other services which may be needed for further investigation or treatment. Professionals should avoid unnecessary and repeated medical examinations of a child. Where corroboration of findings may be required, the examination should ideally be carried out jointly by a paediatrician and a doctor with clinical forensic training. Medical staff should try as far as possible to take account of the child's gender and ethnicity and/or religion when deciding who is best placed to examine and assess the child. Where there is a prospect of criminal proceedings, arrangements for medical examinations for evidential purposes should be made by the Procurator Fiscal or the investigating police officer whose responsibility it is to obtain appropriate evidence with a minimum of distress to the child.

5.11 The Age of Legal Capacity (Scotland) Act 1991 provides that a person under the age of 16 years shall have legal capacity to consent on his or her own behalf to any surgical, medical or dental procedure or treatment, including psychological or psychiatric examination, where, in the opinion of an attending qualified medical practitioner, he or she is capable of understanding the nature and possible consequences of the procedure or treatment. Children who have legal capacity may withhold their consent. Even if ordered by a Children's Hearing, medical examinations are governed by the provisions of the Age of Legal Capacity (Scotland) Act 1991. **Children who consent to a medical examination, may withhold their consent to any part of the examination including, for example, the taking of photographs.** In order to ensure that children and their families give properly informed consent to medical examinations in child protection inquiries, the examining doctor, if necessary assisted by the social worker or police officer, should provide information about any aspect of the procedure and the uses to which these may be put. Where, in the opinion of the medical practitioner the child is not capable of understanding the nature and possible consequences of the procedure or treatment, the medical practitioner should seek the consent of the child's parent or guardian. Where children give their consent, parents or carers should also be consulted as a matter of good practice. Where a medical examination is thought to be necessary for purposes of obtaining evidence in criminal proceedings but consent to the examination is refused by the parent(s) or guardian, the Procurator Fiscal may consider obtaining a warrant for this purpose. Where, however, a child who has legal capacity to consent declines to do so, the Procurator Fiscal will not seek a warrant. If the local authority believes that a medical examination is required to find out whether concerns about a child's

safety or welfare are justified, and parents refuse consent, the local authority may apply to a Sheriff for a Child Assessment Order (see Scotland's Children: Children (Scotland) Act 1995 Regulations and Guidance, Volume 1: *Support and Protection for Children and their Families*). A child subject to a Child Assessment Order may still withhold his or her consent to examination or assessment if he or she is deemed to have legal capacity.

## **Psychiatric or psychological examinations**

5.12 Physical signs or symptoms may be inconclusive when viewed in isolation, but may provide a clearer picture of abuse or neglect when seen in conjunction with other information. There may be a need for a psychiatric or psychological examination for emotional or behavioural signs of abuse, or symptoms of mental distress or illness. In all cases during the investigation stage, staff in all agencies working with children and families need to be alert to behavioural indicators indicating possible abuse, as physical symptoms are not always present. There may be a need for close liaison with child and adolescent mental health services during investigation.

5.13 All professionals involved in inquiries need to record their findings and opinions carefully. Health professionals may also be required to produce records as evidence in Court proceedings. Medical and other health care professionals should provide written reports of their findings when asked to do so by the local authority or the Reporter, as these agencies may need to take action on the basis of medical findings. There are established protocols for making available to the Reporter or local authority the findings of a medical examination conducted at the request of the Procurator Fiscal, or the police acting on his or her behalf.

## **Abuse by organised networks or multiple abusers**

5.14 Complex cases arise in which a number of children are abused by the same perpetrator or multiple perpetrators. These may involve:

- groups of adults, within a family or a group of families, friends, neighbours and or other social network who act together to abuse children
- children recruited (or abducted) for abuse by a network of adults
- children abused in an institutional setting (for example youth organisations, educational establishments or residential homes) by one or more perpetrators, including other young people
- child pornography or drug misuse being used to entice or entrap children for sexual exploitation
- recruitment of children for prostitution

5.15 Sexual abusers may plan and repeat abuse and many children may be involved within or outwith a family. Where a single complaint about possible abuse is made by or on behalf of a child in a residential school or home, or a child in foster care, the investigating agencies should consider the possibility that the investigation may reveal complaints or allegations about other children currently or formerly living in the establishment or foster carer's household. If child protection inquiries establish links between cases this should be drawn to the attention of the Chief Social Work Officer(s) of the local authority areas in which the cases are located. They should ensure, in consultation with the police, that arrangements for the joint investigation of linked cases are in place which ensure that children involved are adequately protected. The police and social work service should agree arrangements for convening planning meetings, setting up systems for sharing and updating information about the investigation's progress and co-ordinating support services for children and families involved. Such cases require early involvement of the Procurator Fiscal and the Reporter. Police and social services should agree a strategy for communication and liaison with the media and public. If a large number of families, parents and carers are involved the local authority should make special arrangements to keep them informed of events and plans to avoid the spread of unnecessary rumour and alarm.

5.16 When planning inquiries, agencies should adopt a measured approach to investigation which takes care not to prejudice efforts to collect evidence for criminal prosecution of an abuser or group of abusers, but which has the welfare of any child or children at risk as the paramount consideration. They should identify as far as possible which children may have been vulnerable to abuse. The plan must reflect the different roles of agencies and set out arrangements for:

- sharing full information at regular, well structured briefings
- recording of all activity between the agencies
- periodic joint review of progress and future plans

5.17 When cases involve several children and adults in different households it may be in the interests of the criminal investigation to prevent suspects from communicating with one another and destroying evidence. This may require inquiries, interviews or other assessment to be co-ordinated. Action may need to be taken at a time of day when a family is more likely to be at home, such as early morning or evening, but agencies should avoid unnecessary domestic distress and disruption. The welfare of the child should be a primary consideration in planning action.

5.18 Local authorities and other agencies may establish links with neighbouring authorities and agencies to ensure access to necessary resources when dealing with complex multiple or organised abuse cases, for example, skilled staff and specialist resources, such as video studios. Any arrangement should identify the roles and responsibilities of different authorities and agencies.

5.19 Parents should normally be fully involved in the process of investigation. The local authority may need to restrict information provided to families and the public to avoid prejudicing criminal inquiries and this should be considered in the planning process. If agencies remove a child from his or her parents' care, the parents should normally be informed of the child's whereabouts. If the local authority suspects that parents or carers may be directly involved in abuse of a child or children, the social work service, in consultation with the police, should decide when and how information to parents or carers, and parental involvement, should be limited in order to safeguard the child, and record their reasons for doing so.

5.20 Local inter-agency child protection procedures should include contingency plans to deal with such cases.

## The use of HOLMES

5.21 In suspected multi-abuse cases the senior investigating police officer may decide to make use of the Home Office Large Major Enquiry System (HOLMES) which is available to all police forces in Britain. HOLMES is a computer system which cross-refers a variety of data about incidents and crimes in a pre-determined format. This allows forces investigating a crime access to data on similar incidents and enables efficient use of resources and the most effective investigation of the cases under review.

5.22 Using HOLMES provides the following advantages:

- an accurate record of all available information
- up-to-date information about the progress of all enquiries, highlighting areas that remain incomplete
- full details, including descriptions, of people who are the subject of police enquiries
- a facility to produce reports, including interim reports, for prosecuting authorities
- a facility to highlight significant information and indicate priorities for further investigation
- information about the administration of investigations and the financial and personnel resources required to assist decision-making by the police

5.23 The police will arrange all equipment, staffing and communications necessary to pursue an enquiry through HOLMES. The HOLMES Database must remain secure and the direction of any enquiry will be determined by the senior investigating police officer on whose authority information may be made available to other interested parties.

5.24 The Data Protection Act 1984 requires the registration of data users and computer bureaux. Users of data should satisfy themselves that the particulars included in the register entry permit the holding, use, disclosure or transfer of data, or that the data are exempt from the Act's provisions. Users of HOLMES would require to notify the Data Protection Registrar accordingly. This is a task for individual police forces.

## KEY MESSAGES

- In any joint investigation the welfare of any child or children at risk is the paramount consideration.
- Joint investigation is a process whereby social work, police and health professionals plan and carry out their respective tasks together when responding to complex or substantial child protection referrals.
- The police and social work service should share and evaluate jointly all relevant information at an initial planning meeting, involving health services wherever possible since medical information and assessment may assist the planning and management of an inquiry. Planning should consider the child's needs and risk, as well as the conduct of child protection inquiries and any criminal investigation.
- When dealing with allegations of organised abuse by adults, agencies should adopt a measured

approach to investigation taking care not to prejudice efforts to collect evidence for criminal prosecution of an abuser or group of abusers.

- The senior investigating police officer may decide to make use of the Home Office Large Major Enquiry System (HOLMES) to enable effective investigation of suspected multi-abuse cases.

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **PART 6: SPECIAL CIRCUMSTANCES**

#### **Introduction**

6.1 There will be some situations which require special consideration by agencies responsible for child protection. This guidance describes some approaches to these. The advice outlined in this section should complement the general principles described in the rest of the guidance.

#### **Children living away from home**

6.2 Local authorities and other agencies, who provide care and accommodation for children in residential placements, schools, foster care, or in other forms of accommodation, should ensure guidance and procedures are in place to respond to allegations of abuse concerning children living away from home. These should set out the separate processes which may be initiated in response to such allegations, namely:

- inter-agency child protection procedures
- any criminal investigation
- the local authority's disciplinary procedures
- the local authority's statutory complaints procedure
- review of approval for carers or registration and inspection of establishments

Any or all of these processes may occur concurrently or sequentially, but the need to ensure the protection and welfare of any child, or children, should be the paramount consideration. Child protection procedures and the conduct of any criminal investigation will take precedence over disciplinary or other internal local authority or agency procedures. Where allegations involve a number of children or staff, the local authority and police should consider the need to conduct inquiries into multiple or organised abuse as set out in paragraphs 5.14 to 5.20.

6.3 When an allegation is made concerning abuse of a child in a local authority placement, the local authority must initiate local inter-agency child protection procedures. If an allegation of abuse concerns an employee, or employees, the local authority should consider the need for precautionary suspension and whether to begin disciplinary procedures. The local authority should also consider temporary withdrawal of approval from a carer alleged to have abused a child. Local authorities should always consult the police before interviewing a staff member or carer alleged to have abused a child. All agencies have a duty of care towards their employees. They should treat any employee or approved carer alleged to have abused children in their care with consideration pending the outcome of any inquiries, and ensure that they have adequate information and access to representation in any disciplinary or review process. Such procedures should include, as far as is practicable, an element of independence from the local authority or other agency. Action by the local authority as an employer should, however, avoid pre-empting or prejudicing child protection inquiries or a criminal investigation.

6.4 If a child resident in an independent or voluntary sector placement, including an independent school, alleges abuse, the head of the establishment should inform the local authority in which the establishment is located and, if different, the placing authority. If allegations of abuse concern a child who is placed outside his or her home authority area, the responsibility to make inquiries rests with the local authority in which the child is located. The two local authorities should liaise and agree the most suitable arrangements for investigating allegations, with proper consultation with the police and other relevant agencies. Where more than one child has made allegations about a staff member or members, the host authority should normally undertake any joint investigation with the police, to avoid a large number of placing authorities investigating allegations. Inter-agency child protection procedures should take precedence over the requirements of the independent or voluntary organisation's disciplinary or other internal procedures.

6.5 Agencies may, from time to time, come into contact with adults who allege that they were abused as children in care establishments. Such allegations may become the subject of a criminal investigation. Local authorities and other agencies which originally provided care should respond sensitively to the needs of the adults concerned by providing information and counselling where requested.

### **Abuse by children or young people**

6.6 All agencies must ensure that sexually abusive behaviour, when identified in children or young people, is taken seriously and referred to either the social work service, the Reporter or the police. When abuse of a child is alleged to have been carried out by another child or young person, inquiries should be carried out under inter-agency child protection procedures and should consider the needs and welfare of the child victim and the child perpetrator separately. Any young person alleged to have abused a child should be referred to the Reporter to assess the need for compulsory measures of supervision.

6.7 When inquiries into any incident of abuse by a young person are complete the local authority should arrange a case conference, separately from any conference held about his or her child victim, to discuss his or her needs, any risk he or she may continue to pose to other children and young people, and any risk to the young perpetrator from other adults. This should address:

- information about the perpetrator of abuse
- the family and household composition, and social history
- details of the abusive behaviour and relevant information about the child victim including age and gender
- the child or young person's level of understanding and acceptance of the abuse
- the need for compulsory measures of supervision
- the potential impact of criminal prosecution or a Children's Hearing (noting that the Sheriff may refer young people found guilty in a criminal Court to a Children's Hearing for disposal)
- whether the perpetrator may have also been abused in the past or currently
- the child's or young person's need for services and support to address their offending behaviour
- if the child or young person is themselves at risk of abuse or harm, whether there is a need for his or her name to be placed on the Child Protection Register and an inter-agency child protection plan drawn up

6.8 Perpetrators who are themselves children or young people, will need help, and, in particular, access to specialist assessment and services, such as personal change programmes and counselling to reduce the likelihood that they will continue to abuse children as they mature. If, following abuse of another child, the child or young person can no longer live at home, the social work service, in consultation with other relevant agencies, should consider arrangements for his or her accommodation and education, and arrangements for supervision pending a comprehensive assessment. A child psychiatrist, or clinical psychologist, may contribute to a multi-disciplinary assessment which should assess risk, identify the child's needs and, taking into account the child's age and stage of development, his or her likely response to personal change programmes to tackle offending behaviour.

6.9 When a comprehensive assessment has been undertaken, the case conference should be reconvened to review the plan in light of the information obtained and to co-ordinate plans for care and any work on personal change programmes. In order to harness a child or young person's commitment to a personal change programme, agencies may need to seek a legal mandate, for example a Court may attach a condition of attendance at a programme to a probation order, or a Children's Hearing may make attendance a condition of a supervision requirement.

## **Child abuse outwith the family**

6.10 Most victims of child abuse know their abuser; abusers might be a member of the extended family, a neighbour, a family friend. Recognition, investigation, assessment and planning in cases of abuse perpetrated by a familiar adult share many features of cases of abuse within a family. The impact of abuse on the child and the family is likely to reflect the relationship between the child and the abuser, as well as the nature of the abuse. The abuser may have a close relationship with the child and the family; there might be the possibility of collusion in the abuse by members of the family; the abuser might have had continuous and unsupervised access to the child, and other children within the family. Inquiries into allegations of abuse of a child by an adult outwith their immediate family should be made under local inter-agency child protection procedures. These should always involve consultation between police and the social work service, and may often involve a joint investigation.

6.11 Where a child is abused by a person unknown to the child and family the police may require to take immediate action to secure evidence, to enable speedy investigation and early arrest of the alleged abuser. The police should consider with the social work service whether a joint investigation would be appropriate and, where necessary, the social work service should undertake assessment and/or convene a case conference to consider whether other children in the family may be at risk or whether the family needs further services or support to keep the child safe, and what form this should take. Agencies should consider whether any continuing risk factors such as those noted at paragraph 6.10 apply and should remain alert to emotional and behavioural problems which child abuse by a stranger may cause. Skilled family counselling services may be needed to help the family deal with trauma.

6.12 Following completion of inquiries the police will submit a report simultaneously to the Procurator Fiscal and to the Reporter. If the Reporter does not convene a Children's Hearing he or she may refer the child to the social work service for support on a voluntary basis if the family wish help. If lack of parental supervision has been a contributory factor in abuse of a child by a stranger, agencies should provide advice and help the family to safeguard their child's welfare in future. Where an alleged abuser has been identified workers should remain alert to the possibility that he may be in contact with other children who could be in need of protection.

### **Children on international visits**

6.13 Children may also be subjected to abuse while visiting countries and communities abroad. Useful advice is contained in the publication "Protecting Children in the Context of International Visits", copies of which have been made available to local authorities' education departments and social work services. Further copies may be obtained from the City of Edinburgh Council Publications Unit, George IV Bridge, Edinburgh, EH1 1UQ.

### **KEY MESSAGES**

- Some groups of children are particularly vulnerable, or have additional needs and agencies should consider their circumstances with special care. These include children affected by disability, children from minority ethnic groups or who do not have English as a first language, and children living away from home in residential or other settings.
- Local authorities and other agencies, who provide care and accommodation for children in residential placements, schools, foster care, or in other forms of accommodation, should ensure guidance and procedures are in place to respond to allegations of abuse concerning children living away from home. The investigation of such allegations should include, as far as is practicable, an element of independence from the local authority or other agency.
- When abuse of a child is alleged to have been carried out by another child or young person, inquiries should be made under inter-agency child protection procedures. The needs and welfare of the child victim and the child perpetrator should be considered separately.
- Where a child is abused by a person unknown to the child and family the police may require to take immediate action to secure evidence, to enable speedy investigation and early arrest of the alleged abuser. Nevertheless, skilled family counselling services may be needed to help the family deal with trauma.

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***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

**ANNEX A**

CIRCULAR NO: SWSG 14/97

(Previously numbered SWSG 4/96)

Previous Circular Cancelled: SW 18/1991

8 March 1996

Chief Executives of Unitary  
Authorities

Copy to:

Chief Social Work Officers

Directors of Social Work Unitary Authorities

Directors of Education

Health Board General Managers

Chief Constables

Procurators Fiscal

Principal Reporter

Those on attached list (for information)

Holders of SWSG Guidance Package

Dear Chief Executive

**CHILD PROTECTION: LOCAL LIAISON MACHINERY -CHILD PROTECTION COMMITTEES**

**Summary**

1. This Circular provides guidance on child protection committees taking account of the reorganisation of local government on 1 April 1996. It reflects the advice of a working group comprising representatives of existing child protection committees, The Scottish Office and the Crown Office. It asks Chief Executives and chief officers of statutory agencies which have varying public responsibilities for the protection of children from abuse to take action in the light of the guidance. These statutory agencies are

Local authorities (for social work and education functions)

Health boards

Police

Procurator Fiscal service

Scottish Children's Reporter Administration

Circular SW18/1991 is replaced.

## Action

**2. In recognition of the strategic importance of child protection committees, Chief Executives are asked to initiate discussions with chief officers in those agencies in their areas, in order to agree revised arrangements for such committees from 1 April 1996. Chief officers should accord a high priority to the task of agreeing any necessary changes in the arrangements in their areas.**

## Background

3. Local child protection committees have been established in all regional and island areas of Scotland. They provide an invaluable forum for facilitating inter-agency working and understanding in child protection. They have helped develop local strategies and joint procedures and they have created a culture in which multi-agency training has come to be recognised as a necessary prerequisite to effective collaboration. Through their contacts with central government, they have been well placed to influence national child protection strategies and policies.

4. With the setting up of the new unitary councils, the existing child protection committee structure and organisation may need to be reviewed and adapted. Where it is decided that new committees are necessary they should build on the legacy of their predecessors.

## Transition

5. The process of setting up new committees will be easier to manage if there is as much continuity as is possible between the old and the new. Chief officers will want to draw as far as possible on the experience of personnel who have served on previous committees.
6. New committees may wish to consider the value and suitability of existing inter-agency guidelines. It may be that these could be adopted initially with a minimum of change and reviewed at a later date. Similarly, existing multi-agency training programmes and arrangements may be of use to new committees during the transitional period (and perhaps also beyond that period). Where this is done the management and cost of the training effort could be shared by the committees benefiting from it.
7. The Annex summarises the results of a short survey into how the existing committees function. This may provide pointers for new committees in the immediate and longer-term future after reorganisation.

### **Purpose of Child Protection Committees**

8. The justification for co-ordinating machinery lies in the wide range of agencies involved in work which is concerned with protecting children from abuse. Co-operation and practice on individual cases of child abuse need to be sustained by joint agency procedures which are consistent with the policies and plans which each agency has for related service provision. The task of developing, promoting, monitoring and reviewing local child protection policies needs a joint forum. The Government see child protection committees continuing to have a major strategic role, building upon the achievements already made in inter-agency co-operation and allowing agencies to consider sharing resources to ensure their more effective and efficient use.

### **Functions**

9. To be fully effective CPCs need to have a clearly recognised relationship to the responsible agencies. CPCs bring together the main agencies responsible for the provision of services for children and their families so that they can plan effectively for protection of children and encourage full collaboration to that end. Although they are essentially a confederation of individual agencies their functions allow them to exercise a collective and overarching influence on all the agencies concerned. These 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;
  
- publish an annual report.

10. Each CPC should agree and work to written terms of reference. Since CPCs have opportunities to influence and contribute to individual agencies' practice and the development of skills and abilities of practitioners, each agency should have in place arrangements for receiving reports from committees, either direct or through its own representative(s) so that they can respond to and, if necessary, act upon issues raised by the CPC. Reports which have implications for policy, planning and resources need to be dealt with at the appropriate level within agencies.

## **Organisation**

11. Following local government reorganisation a number of organisational models can be considered for CPCs, for example:

- A. one committee per each new council area working independently;
- B. as in model A but with individual committees formally co-operating with committees in adjoining areas by adopting common arrangements, for example inter-agency guidelines and training;
- C. one committee per new council co-operating with adjoining area committees, as in model B, but also having a co-ordinating committee for certain functions;
- D. one committee per health board area on which each new council within that area would be represented;
- E. one committee per police area on which each new council within that area would be represented.

12. Model A is simple, with each local CPC operating on its own. Models B and C build on that by providing means of co-ordinating local CPCs for certain functions. Models D and E would embody combinations of local authority areas. The last four models could serve to bring about a greater degree of consistency over wider areas than would otherwise be the case. They would also facilitate sharing of experience and expertise. No hard and fast rules can, however, be laid down as to how committees should be organised and how they should co-operate with other committees. It will be up to individual agencies to agree arrangements best suited to their particular circumstances. Different models could exist in different parts of Scotland.

## **Budgetary Responsibilities**

13. The Scottish Office has a significant role in encouraging and promoting an inter-agency approach to the protection of children. It produces and reviews central guidance and organises periodic meetings of CPC representatives to exchange information and views on latest developments. This complements the responsibilities of agencies for providing within their areas services which offer protection for children.

14. To ensure that their respective services are delivered as efficiently and effectively as possible, each agency should co-ordinate them with the services provided by other local agencies. The prime focus for achieving this co-ordination is the CPC. Its emphasis is essentially local, on helping in various ways to mobilise services for the protection of children. Its own expenditure - desirably brought together in a designated budget - is therefore a local matter, reflecting investment of the respective agencies in co-ordination which ultimately benefits each of them.

15. Contributions towards expenditure involved in maintaining and operating the CPC should be made primarily from the main service organisations represented, i.e. social work, police, health service and education. They should take account of contributions when preparing their respective forecast expenditure budgets. The CPC accounts to its constituent agencies for management of resources through accounts and annual reports.

### **Accountability**

16. As essentially co-ordinating and advisory bodies, the committees are accountable for the discharge of their functions to the main organisations which constitute them. This is done routinely through annual reports, and on matters which may have implications for policy planning and allocation of resources, through ad hoc reports to individual agencies and also by working with constituent agencies, at their request, on one-off tasks or assignments.

### **Authority**

17. CPCs do not have any authority over individual agencies since these agencies have a range of statutory responsibilities and duties which cannot be superseded by others. CPCs can, however, develop an effective and influential role in inter-agency policy, practice procedures and training at both local and national level. This can be achieved through periodic meetings between CPCs, The Scottish Office and the Crown Office and through the circulation of CPCs' annual reports.

### **Representation**

18. Core representation on CPCs is most likely to be drawn from the following:

Local Authorities (social work and education departments)

Police

Health Services

Reporters to the Children's Panel

Procurators Fiscal

The Armed Services (in areas where large service bases are located).

19. Committees may also wish to invite participation or representation by those with particular skills and/or experience which would assist the committee in the discharge of its functions. Such persons may participate on a regular basis or they may be invited ad hoc. Members of children's panels, academics and representatives of relevant voluntary organisations could be considered for such participation or membership. Legal advice may from time to time be required and committees may wish to invite a member of the legal profession to attend meetings where necessary.

20. If CPCs are to work well, those appointed to serve on them should be officials with relevant specialist knowledge and experience in their respective fields and they should be able to commit their agency to implement the recommendations and decisions of the committee. For this latter purpose, constituent agencies should determine the level of decision-making powers which may be delegated to representatives without referral back. Elected members may wish to be associated with the appointments of local authority officials to serve on committees.

21. Health Boards have public responsibility for the health input to CPCs but Boards will wish to discuss with NHS Trust Chief Executives how representation on CPCs within health board areas can best be achieved. The participation or membership of Trust personnel should be secured under the terms of the contract between the Board and the Trust(s).

22. Service on a CPC is a specific responsibility which should be recognised in the member's job description and workload so that he or she can attend CPC meetings on a regular basis and to participate in any sub-committees. The appointment of a substitute member to cover any unavoidable absence of the representative will ensure that all services are always represented at meetings.

23. Members should be appointed to CPCs for a term which is consistent with ensuring continuity of experience. There is no ideal period but frequent changes of membership inevitably inflict some discontinuity. Discontinuity is also likely to occur if the same term of appointment is fixed for all members of the committee since they would all "retire" at the same time. CPCs need to bear these points in mind when fixing periods of membership.

## **Sub-Committees**

24. Committees may decide that it is desirable to establish sub-committees to concentrate on particular aspects of the remit of the committee and to achieve continuity of planning and implementation. Sub-committees may be commissioned to carry out specific tasks such as:

- over-seeing the development and implementation of local procedures;
- making proposals for programmes of work, e.g. with abusers;
- developing inter-agency training programmes;
- providing specialist advice on ethnic and cultural issues;
- compiling and maintaining a list of "expert witnesses and advisers" who could act as consultants to constituent agencies.

25. These sub-committees may co-opt persons with relevant experience who are not members of the main committee. All such sub-committees will need a defined membership, aims and objectives and explicit lines of communication and accountability to the CPC. CPCs may also wish to set up sub-committees of specialist groups, e.g. health specialists. The same need to define purpose and lines of accountability of such sub-committees would apply.

## **Meetings**

26. The frequency of meetings of the committee or any of its sub-committees is a matter to be determined by the committee (or sub-committee). Meetings should be arranged at times convenient to the maximum number of members.

## **Chair and Secretariat**

27. Experience has shown that CPCs should be left to appoint their own Chairs. Appointees should possess knowledge and experience of child protection work in addition to chairing skills. The committee may appoint an independent person with the requisite knowledge, experience and chairing skills. There may be advantages in agreeing in advance the period of appointment of the Chair. A period of up to three years seems to be appropriate but local circumstances may determine a more appropriate period. Committees will also want to appoint a Vice-Chair to chair meetings in the absence of the Chair and they may wish to consider whether the person appointed should take over automatically when the Chair demits office.

28. The appointment of an administrative officer will help to maintain coherence and focus in the work of CPCs. Such support may be satisfactorily provided by one or more of the constituent agencies deputing the task to a member of staff, or the committee may wish to appoint some other person using committee resources. For small committees, however, the appointment of a dedicated administrative officer may not be justified. Such committees may wish to consider joint appointments with other committees.

## **Multi-Agency Training**

29. Training is essential if human and other resources are to be used effectively and efficiently for the protection of children. It is a means of improving the knowledge, skills and judgement of staff. Effective child protection depends on well trained staff in all the agencies concerned.

30. The basic training of almost all of the professional groups who work in health, education, social work and the police now includes a focus on the identification of signs of child abuse and the measures necessary to ensure a child's legal protection. In addition there is a growing range of post-qualifying training opportunities which enable staff in all relevant professional groups - and others who work with children such as playgroup leaders and foster parents - which can enable them improve their knowledge and skills.

31. As well as developing professional skills and knowledge, training programmes run by individual agencies need to reinforce the message that in dealing with child abuse the staff of agencies must come together and work in a collaborative and co-operative way. Individual professionals not only require to have a competence in the discharge of their own responsibilities, they also need to be fully aware of the responsibilities of other agencies and other professionals. In-service training has a vital part to play in fostering that awareness. Agencies may invite staff from other agencies to attend or address their training courses. Reciprocal arrangements of this kind may also help to foster good relations between agencies. Whatever means are adopted, individual agency programmes should include training which will help staff - managers as well as practitioners - to work together with staff of other agencies in dealing with child abuse.

32. Multi-agency training is an essential component in building common understanding and fostering good working relationships which are vital to effective child protection. CPCs are well placed to play a central role in the development and delivery of such training which provides a significant influence on successful inter-disciplinary working on actual cases of abuse and in prevention and post-abuse programmes.

33. Some multi-agency training may involve all agencies represented on a CPC; some may involve particular agencies such as social work and the police. The aim of the CPC will be to develop training programmes which complement and build upon the work already done by individual agencies and which embrace identified multi-agency training needs among the staff of the agencies concerned. Committees may adopt different approaches to achieving that aim. Some may wish to appoint a training co-ordinator. For others, as with administrative support, the appointment of a dedicated training co-ordinator may not be justified but the possibility of a number of CPCs jointly appointing a co-ordinator may be considered. Committees may, alternatively, use a standing training committee to carry forward multi-agency training work. Whatever method or combination of methods is adopted, CPCs will want to ensure that they maintain an awareness of evolving and developing training needs and priorities.

34. Different approaches may also be adopted in relation to funding multi-agency training activities. Training co-ordinators may be "seconded" from one of the constituent agencies or they may be engaged by the CPC and paid out of committee resources. Similar arrangements may apply for training courses where individual agencies pay in accordance with the number of places taken; or alternatively, multi-agency training may be funded from the committee budget; or a mixture of both may be appropriate.

## Reports from CPCs

35. Committees are accountable to their constituent agencies through annual reports and reports on specific issues. Each committee's annual report will review key areas of its work during the year by describing action taken to:

- produce, or introduce changes in inter-agency guidelines related to child abuse;
- plan or initiate programmes of inter-agency training;
- promote good inter-disciplinary practice.

36. In addition, reports should include information about the number and types of child abuse cases as indicated by Child Protection Registers, indicating the age and gender of the registered children. Details of committee membership, indicating the specific organisation and job title, should be provided, as should information about the agreed funding arrangements. The reports should also be used to convey a planned programme of work for the coming year.

37. Copies of each annual report should be sent to Social Work Services Group so that the Secretary of State can be informed about current issues in child protection. Copies might also be made available to other CPCs to facilitate a wider exchange of useful ideas throughout Scotland.

## Reports to CPCs

38. CPCs require to be informed regularly about the level of activity on child abuse work and about the type of abuse and any identifiable trends. Local authorities can derive information for this purpose from Child Protection Registers and the standard Child Protection Management Information System. Other agencies, for example, the Scottish Children's Reporter Administration, may also have relevant information which will be helpful to CPCs. Those providing information should make their reports using aggregated statistics so as to preserve the anonymity of a particular individual or individuals [\(21\)](#).

Enquiries about this Circular should be addressed to Mr John Rafferty, Social Work Services Group, Room 43-1, James Craig Walk, Edinburgh, EH1 3BA (telephone 0131 244 5484).

Yours sincerely

J W SINCLAIR

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## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **ANNEX B**

#### **CHILD PROTECTION REGISTERS - MINIMUM INFORMATION**

The following minimum information about a registered child should be recorded:

- a. child's full name, known aliases, known address, gender, date of birth, age at registration;
- b. religious persuasion, race, cultural and linguistic background;
- c. date of first registration and date of next review case conference;
- d. legal status of the child, and any Court Orders or supervision requirements in force;
- e. full names (including maiden name), known aliases, and addresses of parents or others caring for the child, the name and address of any other adult member of the household, together with information on their relationship to the child, and the name of any parent or person with parental responsibilities living outwith the child's household;
- f. full name(s), date(s) of birth and gender(s) of any other children in the household;
- g. name, address, telephone number of the child's General Practitioner;
- h. reason for referral, and whether child abuse or neglect has been substantiated; if appropriate, nature and circumstances of injury and by whom inflicted;
- i. agencies involved and when informed;
- j. note of inquiries to the Register;
- k. whether the child has any disability and any special needs, e.g. for assistance with communication;
- l. the name, contact address and telephone number of the keyworker for the child.



## ***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation***

### **ANNEX C**

#### **DESCRIPTIONS OF CATEGORIES OF ABUSE FOR REGISTRATION**

1. This Annex amplifies the descriptions of the categories of abuse for registration outlined in Part 3.
2. **General definition of abuse** - children may be in need of protection where their basic needs are not being met, in a manner appropriate to their stage of development, and they will be at risk from avoidable acts of commission or omission on the part of their parent(s), sibling(s) or other relative(s), or a carer (i.e. the person(s) while not a parent who has actual custody of a child).
3. To define an act or omission as abusive and/or presenting future risk for the purpose of registration a number of elements must be taken into account. These include demonstrable or predictable harm to the child which must have been avoidable because of action or inaction by the parent or other carer.
4. **Categories of abuse** - for recording all cases the following are the standard categories of abuse. Although these are presented as discrete definitions, in practice there may be overlap between categories. In such cases local authorities should enter the child's name on the Child Protection Register under one main category of abuse although for the purpose of individual case management, the case conference may identify combinations of abuse categories which the child protection plan will need to address. It may also become necessary to change the category of abuse under which a child is registered as a case progresses.

#### **Physical Injury**

Actual or attempted physical injury to a child, including the administration of toxic substances, where there is knowledge, or reasonable suspicion, that the injury was inflicted or knowingly not prevented.

#### **Sexual Abuse**

Any child may be deemed to have been sexually abused when any person(s), by design or neglect, exploits the child, directly or indirectly, in any activity intended to lead to the sexual arousal or other forms of gratification of that person or any other person(s) including organised networks. This definition holds whether or not there has been genital contact and whether or not the child is said to have initiated, or consented to, the behaviour.

#### **Non-Organic Failure to Thrive**

Children who significantly fail to reach normal growth and developmental milestones (i.e. physical growth, weight, motor, social and intellectual development) where physical and genetic reasons have been medically eliminated and a diagnosis of non-organic failure to thrive has been established.

### **Emotional Abuse**

Failure to provide for the child's basic emotional needs such as to have a severe effect on the behaviour and development of the child.

### **Physical Neglect**

This occurs when a child's essential needs are not met and this is likely to cause impairment to physical health and development. Such needs include food, clothing, cleanliness, shelter and warmth. A lack of appropriate care, including deprivation of access to health care, may result in persistent or severe exposure, through negligence, to circumstances which endanger the child.

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***PROTECTING CHILDREN -A SHARED RESPONSIBILITY: Guidance on Inter-Agency Co-operation*****ANNEX D****ARRANGEMENTS FOR CHILD PROTECTION IN THE ARMED SERVICES****Armed Services**

1. Family life in the armed forces is, by its very nature, different to that in civilian life. The forces control the movement of the family in relation to service commitments, and families often endure long periods of separation, without extended family support. Although it is local authorities who have primary responsibility for the care and protection of children, it is essential for local authorities and other agencies to note these differences and share information with the service authority when a service family becomes the subject of child protection inquiries. Each service has their own welfare organisation, which supports service families. In addition the service authorities provide housing for their families, and due to the frequency with which the families move, it is important that the service authorities are fully aware of any child who is deemed to be at risk within their family.

**Forces based in Scotland**

2. The service authorities seek to co-operate with statutory agencies and to support service families where child abuse or neglect occurs. The information they hold on any family can help in the assessment and review of such cases. Procedures exist in all the services overseas to register and monitor the protection of children at risk, and the usual rules of confidentiality are observed. In working together the services, service authorities and the local authority social work service need to keep in mind that legislation places the primary responsibility for the care and protection of children on the local authority.

**Army**

3. The welfare of Army families whose children are considered by a social work service to be at risk is the responsibility of the Army Welfare Service (AWS). The AWS provides a comprehensive and professional confidential welfare support service to all Army personnel and their families through the Soldiers', Sailors' and Airmen's Families Association (SSAFA) Social Workers (SW) and Army Welfare Workers (AWW). Social work services should liaise with one of the three Welfare Support Officers (WSO) who between them provide cover for the whole of Scotland. They respond to the Principal Welfare Support Officer AWS (PWSO AWS) who works together with the SSAFA Senior Social Work Adviser (SSWA) for Scotland in Army Headquarters Scotland. Contact telephone numbers are as follows:

Army HQ Scotland (Edinburgh)

PWSO AWS

0131 310 2107/2108

East Scotland (Edinburgh)

WSO AWS

0131 310 2850

SSAFA SSWA

0131 310 2618

AWW AWS

0131 310 2845

West Scotland and Hebrides (Glasgow)

Highlands (Perth northwards),  
Orkney & Shetland (Inverness)

WSO AWS

0141 332 0396

WSO AWS

01463 233132

AWW AWS

0131 310 2845

AWW AWS

01463 233132

**Royal Navy**

4. All child protection matters within the Royal Navy are handled by the Naval Personal and Family Service (NPFS), the Royal Navy's own social work service. This provides a confidential and professional social work service to all Naval personnel and their families liaising as appropriate with social work services, particularly as required by statute for child protection cases. Child protection involving a member of the Royal Navy should be referred to one of the three civilian Area Officers, listed below, who are in a position to negotiate service action on behalf of Naval families and NPFS should be involved in any case conferences concerning them. All cases abroad are initially handled by the Eastern Area.

East: Area Officer (NPFS)

West: Area Officer (NPFS)

HMS NELSON

Queen Street

Portsmouth

Hampshire PO1 3HH

Tel: 01705 820932/826774

HMS DRAKE

HM Naval Base

Devonport

Plymouth PL2 2BG

Tel: 01752 568611

North: Area Officer (NPFS)

HMS NEPTUNE

Triton House

1-5 Churchill Square

Helensburgh

Argyll and Bute

G84 9HL

Tel: 01436 672798

**Royal Marines**

5. All welfare matters within the Royal Marines are dealt with by the Royal Marine Welfare Service. This is a non-statutory agency which provides a confidential and professional service to all Royal Marine personnel and their families. The Royal Marine Welfare Service will liaise with the local social work service and will negotiate service action on behalf of families. The Royal Marine Welfare Service should be informed in all cases of child protection involving a member of the Royal Marines.

Scotland  
Welfare Officer  
RM Condor  
Arbroath  
Angus  
DD11 3SJ  
Tel: 01241 872201 Ext. 2015/6

SO3 WFS  
Welfare Office  
HQRM  
West Battery  
Whale Island  
Portsmouth  
HANTS PO2 8DX  
Tel: 01705 547542

## **Royal Air Force**

6. The Royal Air Force has an independent welfare organisation on each station in an area. Social work is managed as a normal function of command and co-ordinated by each Station's Personnel Officer; the Officer Commanding Personnel Management Squadron (OCPMS) who is supported by a qualified SSAFA Forces Help Social Work Adviser, or, in some cases, a Social Work Assistant. Whenever child protection inquiries concern the family of a serving member of the RAF, the social work service should notify the parent unit, or if this is not known, the nearest RAF unit by contacting the OCPMS or SSAFA Forces Help Adviser. Every RAF unit has an officer appointed to this duty and he or she will be familiar with child protection procedures. If you wish to discuss informally contact the SSAFA Social Work Adviser at RAF Lossiemouth (Tel: 01343 812121 Ext. 7399).

## **Service families going or returning from overseas**

7. Where NPFS are aware of child protection issues within a family who are being considered for overseas service, this will be highlighted during the screening process and action taken to prevent the family's move before any child protection issues have been resolved. It is essential that the local authority social work service exchange information about agencies' involvement with a service family to ensure that no child named on a UK Child Protection Register can be taken abroad, and to make sure that parental support is not removed at a critical time.

8. The Soldiers', Sailors' and Airmen's Families Association (SSAFA) provides, at the request of the Ministry of Defence, a qualified social work and health visiting service for families of all services on overseas stations.

9. Where there is a child protection plan in this country for a child in a service family who are to move overseas, the social work service concerned should notify SSAFA in writing with full documentation, case summary, case conference notes, etc. to:

Assistant Controller (Services Support) SSAFA UK  
SSAFA Forces Help  
HQ Land Command  
Erskine Barracks  
Wilton  
Salisbury  
SP2 0AG  
Tel: 01722 438245/438251

10. This information is forwarded to the relevant SSAFA social worker overseas in order that:

- a. the case may be entered on the overseas British Forces Child Protection Register;
- b. the practitioners at the overseas base can be alerted and a case conference arranged; and

c. appropriate support and supervision are provided to the family.

11. Where there is a statutory involvement (e.g. a supervision requirement), SSAFA will provide regular reports to the local authority concerned. Similarly, when a service family with a child in need of protection returns to the UK, SSAFA will contact the social work service in the local authority area in which they will reside, and ensure that full documentation is provided to assist in the management of the case.

### **Emergency action regarding service families overseas**

12. When it appears that a child is in urgent need of care or control an officer having jurisdiction in relation to the child may order the child to be removed to and detained in a place of safety. If the officer makes an order to transfer the child to the United Kingdom so that care of the child can become the responsibility of the relevant local authority all necessary action will be arranged and agreed beforehand between the responsible agencies concerned.

13. New arrangements for dealing with the emergency protection of children of service families abroad were introduced in the Armed Forces Act 1991. These provide for the officer having jurisdiction in relation to a child to make an order to remove the child or keep him or her in accommodation provided by or on behalf of the person who applied for the order.

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### **FURTHER READING**

#### **Legislation**

Social Work (Scotland) Act 1968

Data Protection Act 1984

Age of Legal Capacity (Scotland) 1991

Armed Forces Act 1991

Children (Scotland) Act 1995

Children's Hearings (Scotland) Rules 1996

Act of Sederunt (Child Care and Maintenance Rules) 1997

Police Act 1997

Sex Offenders Act 1997

#### **Guidance**

Scotland's Children - The Children (Scotland) Act 1995 Regulations and Guidance

Volume 1 - *Support and Protection for Children and Their Families*

Volume 2 - *Children Looked After by Local Authorities*

Volume 3 - *Adoption and Parental Responsibilities Orders*

Volume 4 - *Bibliography and Index*

(The Stationery Office Limited, 1997)

#### **Scottish Office Circulars**

SWSG 8/87 Data Protection Act 1984, Orders Under Sections 79(2) and 34(2)

SWSG 1/89 Code on Confidentiality of Social Work Records

SWSG 2/89 Access to Personal Files (Social Work) (Scotland) Regulations 1989

SWSG 9/89 Protection of Children: Disclosure of Criminal Convictions of Those with Access to Children - Local Authorities

SOED 5/89 Protection of Children: Disclosure of Criminal Convictions of Those with Access to Children

NHS 1989 (Gen) 22 Protection of Children: Disclosure of Criminal Convictions of NHS Staff with Substantial Access to Children

SOED 10/90 Protection of Children from Abuse: The Role of Education Authorities, Schools and Teachers

SWSG 11/94 Child Protection: The Imprisonment and Preparation for Release of Offenders Convicted of Offences Against Children

SWSG 11/97 Implementation of the Sex Offenders Act 1997 Implications for Local Authorities

HD 12/97 Sex Offenders Act 1997 Guidance on Implementation

SWSG 14/97 Child Protection: Local Liaison Machinery - Child Protection Committees

### **Other relevant reading material**

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### **NOTES**

(1) For example: *Whose Child?* - Report on the death of Tyra Henry, London Borough of Lambeth 1987; *A Child In Mind* - Report on the death of Kimberley Carlile, London Borough of Greenwich 1987; Report of the Inquiry into Child Abuse in Cleveland 1987 (HMSO 1998); The Report of the Inquiry into the Removal of Children from Orkney in February 1991 (HMSO 1992); The Report of the Inquiry into Child Care Policies in Fife (HMSO 1992) ([BACK](#))

(2) See DOH (1995) Messages from Research, The Stationery Office for a summary of the findings of commissioned research studies into the operation and effectiveness of child protection systems ([BACK](#))

(3) See Chapter 2 (sections 39-51) of the Children (Scotland) Act 1995 - Children's Hearings ([BACK](#))

(4) section 19 Children (Scotland) Act 1995 ([BACK](#))

(5) See Scottish Office Department of Health Public Health Policy Unit document "Health Services in Schools - Report of a Policy Review", dated 1996 ([BACK](#))

(6) sections 17 & 22, Children (Scotland) Act 1995 ([BACK](#))

(7) Circular SWSG 11/94 ([BACK](#))

(8) Protecting Children - A Code of Good Practice for Voluntary Organisations in Scotland working with children and young people, Volunteer Development Scotland (1995) ([BACK](#))

(9) section 56(4)(b) Children (Scotland) Act 1995 ([BACK](#))

(10) Child Protection in Scotland: Management Information, Report by a Joint Steering Group SWSG March 1992 ([BACK](#))

(11) see Annex C ([BACK](#))

(12) section 57 Children (Scotland) Act 1995 ([BACK](#))

(13) section 76 Children (Scotland) Act 1995 ([BACK](#))

(14) section 61 Children (Scotland) Act 1995 ([BACK](#))

(15) section 55 Children (Scotland) Act 1995 ([BACK](#))

(16) section 90 Children (Scotland) Act 1995 [\(BACK\)](#)

(17) section 17 Children (Scotland) Act 1995 [\(BACK\)](#)

(18) See Scottish Office public information leaflets Child Protection, Children's Hearings, Children Looked After, The Scottish Office [\(BACK\)](#)

(19) See National Objectives and Standards (1991); Circular HD 12/97; and Circular SWSG 11/94. [\(BACK\)](#)

(20) The Sex Offenders Act 1997; (prospective) HD, SWSG, Courts and Prison Service Circulars [\(BACK\)](#)

(21) To holders of the SWSG Circulars and Guidance: This Circular should be placed in **Section E3** of the volume containing "E, **Children and Families** (Sections 1-5)"circulars. [\(BACK\)](#)

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