

**PROGRESS REPORT:**

***“SAFEGUARDING SCOTLAND’S VULNERABLE CHILDREN FROM CHILD ABUSE” (THE “BROCK REPORT”)***

**AND**

**NATIONAL ACTION PLAN TO TACKLE CHILD SEXUAL EXPLOITATION**

## FOREWORD BY CABINET SECRETARY FOR EDUCATION AND LIFELONG LEARNING, ANGELA CONSTANCE MSP



As Cabinet Secretary for Education and Lifelong Learning, I am committed to improving the life chances of all children and young people in Scotland. I, along with my colleagues, want to create an equal society in which all children and young people have the right to be cared for and protected from harm, and can grow up in a safe and nurturing environment. Every child should have every opportunity to flourish in our modern Scotland.

In my speech to the International Federation of Social Workers in September<sup>1</sup>, I highlighted the findings of both the Brock report and the Care Inspectorate's recent triennial review. In essence, these reports found that although there are considerable positives in Scotland's child protection system, there remain substantive issues for us to collectively address.

I believe it is important that I am clear about my expectations for Scotland's vulnerable children. I intend to use my tenure as Cabinet Secretary for Education and Lifelong Learning to drive improvement, not just in child protection, but in all services that support vulnerable children and young people in Scotland. We are determined to raise the bar and provide the very best for all Scotland's children.

So I am calling for sustained leadership of this agenda at all levels and across all professions. I am calling for an increase in pace in order to deliver the improvements that are needed now.

But I recognise that the Government cannot achieve this without the dedication and commitment of all those who work with vulnerable children and young people in Scotland. I am therefore very much looking forward to working with partners to improve services for this group.

This progress report on both the Brock recommendations and the National Action Plan to Tackle Child Sexual Exploitation is but the first step in a wider programme of improvement work to be developed across child protection that I want us to embark on together. This programme will be agreed by February 2016 and presented to the Scottish Parliament.

A new improvement journey starts now and I ask you to rise to the challenge. I invite you to work collaboratively with the Scottish Government to deliver the changes that each and every one of our vulnerable young people deserve.

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<sup>1</sup> [Speech to the International Federation of Social Workers in September](#)

## **1. INTRODUCTION**

In August 2014, the former Cabinet Secretary for Education and Lifelong Learning, Mike Russell MSP commissioned the Chief Executive of Children in Scotland, Jackie Brock, to review Scotland's approach to child protection. The Brock report "*Safeguarding Scotland's vulnerable children from child abuse*" was published on 11 November 2014. Following publication Mr Russell acted decisively, accepting all of its recommendations in full. This note provides a report on the progress being made to ensure that all the Brock recommendations are met.

The safety and wellbeing of children and young people is a priority for the Scottish Government and an issue it takes extremely seriously. Scottish Government Ministers across a range of portfolios work continuously and proactively with law enforcement, children's charities, Parliament and others to protect children from abuse and target those who attempt to prey on them.

## **2. THE BROCK REPORT IN CONTEXT**

The Brock report is just one strand of a wider strategic programme of work to ensure Scotland's approach to safeguarding children and young people is as robust as possible. Its recommendations are important and must be read in the context of the significant package of measures that the Scottish Government has already implemented - or is in the process of implementing - to ensure the safety and wellbeing of all Scotland's children and young people. These are outlined in Section 3 below.

The Scottish Government will continue to act swiftly on all issues that impact on children and young people's safety. Given the intensity of recent policy developments around protecting our children and young people – including the publication of the National Action Plan on Child Sexual Exploitation (November 2014); the publication of the Brock report (November 2014); the Care Inspectorate's summary report on the effectiveness of child protection arrangements across Scotland (November 2014); the announcement of a national inquiry into historical abuse (December 2014); the updated National Guidance for Child Protection Committees for Conducting a Significant Case Review (March 2015); and, the Care Inspectorate's Triennial Review "Inspecting and Improving Care and Social Care Work in Scotland (August 2015), the Scottish Government is committed to taking a strategic overview of current and future areas for action. This Government's ambition is to work collaboratively with partners to ensure all Scotland's children and young people are safe from neglect and abuse.

To that end, the Cabinet Secretary for Education and Lifelong Learning, Angela Constance MSP, announced in a speech to the International Federation of Social Workers (IFSW) on 7 September 2015, that a programme of work will be developed across child protection, to be agreed by February 2016 and presented to the Scottish Parliament. The programme will be informed by both the Brock Review and the Care

Inspectorate Triennial Review. A Group has been established to develop the work programme.

### **Thematic Approach**

Ministers' intention is to take the Brock recommendations forward on a thematic basis in consultation with partners, as part of this wider programme of work.

The following four themes have been identified:

**Theme 1** –Improving Outcomes – Recommendations 1, 2, 5 and 6.

**Theme 2** - Improving Integration/Implementation – Recommendations 3 and 4.

**Theme 3** - Identifying Priorities & Gaps – Recommendations 7 and 8.

**Theme 4** - Supporting Learning & Sharing Good Practice – Recommendations 9, 10, 11 and 12.

The Brock recommendations are set out below under each of the four themes:

<b>Theme 1 – Improving Outcomes for Vulnerable Children</b>
<p><b>Recommendation 1:</b></p> <p>Scottish Ministers signal their focus, direction and determination to exercise the levers they have to drive forward improvement for vulnerable children.</p>
<p><b>Recommendation 2:</b></p> <p>Given the wide-ranging Scottish Government landscape impacting on these children's issues, the Children and Families Directorate assume overall leadership for securing the progress of this improvement programme.</p>
<p><b>Recommendation 5:</b></p> <p>The Scottish Government invites the Improvement Service or Audit Scotland to gather evidence on how much we already spend on supporting vulnerable and at risk children and families at UK, Scottish and local levels. Also, to look at the long-term costs of not intervening early.</p>
<p><b>Recommendation 6:</b></p> <p>Ministers call a summit of the Chief Officers of the 32 Community Planning Officers, the Health and Social Care Partnership leads and the Child Protection Committee Chairs. The agenda would address the findings of recent Care Inspectorate reports; reinforce their role as locally responsible for children's protection and wellbeing; and agree how priority is given to early intervention and the role of the Named Person, for example with reference to preventing and addressing child sexual exploitation.</p>

How these recommendations are being taken forward:

**Rec 1** - The Cabinet Secretary for Education set out her vision to drive forward improvement for vulnerable children in a speech to the IFSW on 7 September 2015. Ms Constance has pledged to put in place a programme of action with local authorities and child protection partners by February 2016 to strengthen their response to vulnerable children. The Cabinet Secretary will make a statement to Parliament on this issue in February 2016. The programme is currently in development.

**Rec 2** - The Children and Families Directorate of the Scottish Government has assumed overall leadership for securing the progress of this improvement programme.

**Rec 5** - The Scottish Government is liaising with both the Improvement Service and Audit Scotland in relation to commissioning a report on the costs and savings attached to early intervention in respect of vulnerable and at risk children and families.

**Rec 6** - Scotland's first National Leadership Summit on Child Wellbeing was held on 25 February 2015 to which all local authority and health board Chief Executives and Child Protection Committee Chairs were invited. In order to maintain momentum, a second Leadership Summit is being planned for February 2016.

## **Theme 2 - Improving Integration/Implementation**

### **Recommendation 3 :**

Each of the 32 Chief Officers' Groups receive a report from Child Protection Committees (CPCs) on the impact of the Health and Social Care Partnerships on child protection and wellbeing and review urgently the impact on front-line workers in children and adult services.

### **Recommendation 4:**

The children's services planning guidance now in development should have the specific task of rationalising this national landscape, to focus on early intervention and funding it effectively.

How these recommendations are being taken forward:

**Rec 3** - The Scottish Government is aware of the potential impact of Health and Social Care Partnerships on child protection and wellbeing. We will ensure that this issue is considered within our wider programme of work to be put in place by February 2016.

**Rec 4** - The statutory guidance for Part 3 of the Children and Young People (Scotland) Act 2014 (Children's Services Planning) is currently being drafted and it is intended that this will go out for public consultation.

Part 3 provides that each local authority and health board must jointly prepare a 3 year Children's Services Plan for the local authority area with a view to children's services being provided in a way that, amongst other aims, best safeguards, supports or promotes the wellbeing of children and ensures that any action to meet needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent needs arising. The Local Authority and Health Board are also required to jointly report annually on how provision has achieved these aims.

### Theme 3 - Identifying Priorities & Gaps

#### Recommendation 7:

The findings from Joint Inspections of Children's services will be tremendously useful for identifying improvement and supporting local and national accountability. Early intervention is addressed but it is not easy to ascertain from the published reports what are the key priorities from a national perspective. A thematic report within the next year would help us identify necessary progress, including the tackling of child sexual exploitation.

#### Recommendation 8:

Substantial progress has been made at local level to support information sharing, risk assessment and management, supported by a commitment to training and development. In light of GIRFEC's implementation, Chief Officers' Groups should review progress and identify priorities in readiness for the Children and Young People (Scotland) Act 2014 coming into force.

How these recommendations are being taken forward:

**Rec 7** - The Care Inspectorate has agreed from 2015-16 to provide an annual national thematic report based on current or emerging themes drawn from reports of Joint Inspections of Children's Services undertaken that year. This will consolidate evidence of progress or otherwise from individual reports, inform national policy development and provide national accountability.

The programme of action to be put in place by February 2016 will also aim to address the key areas of improvement highlighted for child protection services in the Care Inspectorate's Triennial Review "Inspecting and Improving Care and Social Work in Scotland" published in August 2015.

**Rec 8** - Readiness for GIRFEC implementation was a key focus of the National Leadership Summit on Child Wellbeing in February 2015. In addition, in preparation for implementation the Scottish Government hosted three regional GIRFEC consultation events in Glasgow, Perth and Edinburgh and the Get LIVE! research event in Glasgow. The information from these wide-ranging interactive sessions is being used to develop the statutory guidance and communication plans to support public bodies to deliver their duties under the Act and to inform children, young people and their families on the Named Person service. Further engagement events

are being planned.

We have also issued our third annual GIRFEC Implementation Self-Assessment Questionnaires to each local authority and territorial health board in Scotland. Having a clear picture of implementation progress across the country will help inform us what further support can be utilised as we move towards commencement in August 2016.

#### **Theme 4 - Supporting Learning & Sharing Good Practice**

##### **Recommendation 9:**

Specific training events should be organised for Chief Officers' Groups using the relevant learning from recent Joint Inspection Reports and also Named Persons to ensure they feel confident in recording and referring concerns which could affect the protection and wellbeing of vulnerable children.

##### **Recommendation 10:**

Professional qualifications to support social workers assess confidently and effectively the needs of vulnerable children should be more widely available. The Scottish Government and local Chief Officers' Groups should agree proposals for funding this.

##### **Recommendation 11:**

Building on local experience, the Scottish Government should convene a best practice event to support learning and development and hear from children and young people about how child sexual exploitation should be tackled, including online. This could be built on in the future to include engagement with children on early intervention.

##### **Recommendation 12:**

CPCs' annual reports in 2015 should set out their proposals to raise community awareness and understanding of their work. Scottish Government and with Scotland should facilitate events to support learning and sharing of good practice, possibly with the longer-term aim of co-ordinating with the CPPs to run a national awareness raising campaign.

How these recommendations are being taken forward:

**Rec 9** - The Care Inspectorate has agreed to use findings from Joint Inspection reports to identify priority areas to be covered in specific training events designed to support Chief Officers' Groups and Named Persons. This will provide assurance that the key findings from Joint Inspection reports are being utilised to make improvements in local services.

**Rec 10** - A new Vision and Strategy for Scotland's Social Services was published in March 2015.

Social workers in Scotland are required to have a degree level qualification. Social work degree courses in Scotland are underpinned by National Occupational

Standards and require social workers to have skills in key tasks including child protection and assessment. The Key Capabilities in Child Care and Protection are embedded in the degree courses and every student is assessed in relation to child care and protection at key stages of their learning. Thus all social workers at the point of qualifying are aware of their roles and responsibilities in respect of children and young people.

Employers are responsible for maintaining social worker's skills; while qualified social workers have a professional responsibility, in line with their Code of Practice, to make sure that their skills are maintained and continuously developed. All existing social workers must undertake post registration training and learning (PRTL) to maintain their registration. Every registered social worker is required to undertake either child protection or adult protection training every year.

The Scottish Government supports service providers to take responsibility for providing high quality training, on-going supervision and development of all workers to ensure that they have the skills and knowledge to undertake their work. Recent and current work supported by the SG through the Scottish Social Services Council and other bodies includes the Review of Social Work Education, revised Child Protection Guidance and improving the support framework for newly qualified social workers.

**Rec 11** - A joint meeting of the Ministerial Working Group on Child Sexual Exploitation (CSE) and the National Sub-Group on CSE took place on 25 August 2015. The aim was to take stock of action to date and to discuss priorities for future work, including how best to support learning and share good practice.

**Rec 12** - Initial discussions (Spring 2015) with Aberlour Childcare Trust have taken place about how best to involve children and young people in the development of policy on child sexual exploitation (CSE) CSE and these discussions will continue. The national campaign to raise awareness of CSE, which will be launched in January 2016, is being developed with input from children and young people.

### **3. CHILD PROTECTION – STRATEGIC WORK PROGRAMME**

A summary of Government action to ensure the safety and wellbeing of all Scotland's children and young people is outlined below:

#### **Strengthening Child protection legislation and policy:**

- The Children and Young People (Scotland) Act received Royal Assent on 27 March 2014. The Act strengthens the protection of children's rights, creates a statutory single point of contact for raising concerns (the 'Named Person') and will require all agencies to work together in the child's best interest.
- On 28 November 2012, the Scottish Government published the National Framework for Child Protection Learning and Development to improve the skills and knowledge on child protection across services in Scotland.
- A national risk framework for assessment of children and young people was published on 20 November 2012 to help professionals better identify risks to vulnerable children and young people.
- The Scottish Government will bring forward legislative change to extend the extra-territorial effect of sexual offences against children to include offences committed elsewhere in the UK so that they can be prosecuted in Scotland. Ministers intend to bring forward this change when there is a suitable legislative vehicle.
- Following an Audit and Analysis of Significant Case Reviews conducted since 2007, the Scottish Government published refreshed interim guidance for undertaking a Significant Case Review in March 2015.
- In respect of Female Genital Mutilation, the Scottish Government is working collaboratively with the UK Government to close a loophole in the law in the Prohibition of Female Genital Mutilation (Scotland) Act 2005 to extend the reach of extra-territorial offences in that Act to habitual (as well as permanent) UK residents. In addition, Scottish Government has recently undertaken a targeted stakeholder survey on five prospective FGM-related legislative provisions announced by the UK Government in July 2014. This process will ensure that any new legislation for Scotland will meet the need of our communities.
- Online safety in Scotland is monitored by the Government led Scottish Stakeholder Group on Child Internet Safety (SSGCIS), set up in 2009. The Group includes wide representation and provides expert advice to the Government. The Group is currently progressing its 5 resultant recommendations. Clear guidance for front-line practitioners around child internet safety was also included for the first time in the 2014 refresh of the national Guidance for Child Protection in Scotland.
- Support for victims of child trafficking forms an integral part of the child protection process. The Scottish Government has brought forward a Human Trafficking and Exploitation Bill (introduced to Parliament on 11 December 2014). The Bill completed

its Parliamentary passage on 1 October 2015 and includes specific provisions to support child victims of trafficking.

- Police Scotland has established a dedicated Human Trafficking Unit to address the issues and target those responsible who are benefiting from the vulnerabilities of others.
- Police Scotland also launched a new National Child Abuse Investigation Unit in March 2015. The new Unit will:
  - allow the development of a more co-ordinated and strategic response to Child Abuse across Scotland. It is designed to add investigative value to local policing divisions who will continue to retain responsibility and accountability for the delivery of child protection through devolved inter-agency arrangements within their geographical Local Authority boundaries.
  - deliver an enhanced specialist response that supports local policing Child Protection Units by providing dedicated specialist investigative resources, including Senior Investigating Officers (SIOs), who will lead and/or provide assistance locally.
  - ensure equity of specialist support to all local policing divisions. It is envisaged that the final structure of the NCAIU will be a national 'hub' with several 'spokes' at key locations across Scotland.
  - parallel the establishment of the specialised National Sexual Crimes Unit by the Crown Office.

#### **Implementing the Getting it Right for Every Child (GIRFEC) approach:**

- The UNCRC is the foundation of the GIRFEC approach – and the GIRFEC approach puts the wellbeing of children and young people at the centre of all relevant public services.
- The national GIRFEC Team is working with key partners to support implementation of GIRFEC across Scotland and drive forward preparations by local authorities and health boards to a state of readiness to meeting their statutory duties, planned for commencement in August 2016. The policy has been tested and is already working well in several areas of Scotland where it has been rolled out – such as Highland and Edinburgh – but all parts of Scotland have been taking it forward positively.

#### **Consultation on draft guidance**

- The Scottish Government recently published its response to the formal consultation on the detailed draft statutory guidance required for Parts 4 (Provision of Named Persons), 5 (Child's Plan) and 18 (Section 96 – Assessment of Wellbeing) of the Children and Young People (Scotland) Act 2014. The response outlines the key themes from the consultation responses, changes to the draft Orders for parts 4 and 5 and clarification to be included in the final statutory guidance. It also provides information on the development of practice support materials to support implementation along with our communications and engagement plan. The draft

guidance is currently being reviewed with the input from with a wide range of stakeholders, groups and organisations. and will be issued in November.

- Working with partners across children's services in the Public and third sectors and a range of parent networks, we are identifying appropriate channels and specific information needs of different audiences in order to effectively inform them about GIRFEC and the incoming legislation. We are working with bodies who have responsibilities under the Act to inform and support professionals undertaking new GIRFEC duties.

#### **Improving standards and ensuring practitioners have the necessary skills and knowledge to protect children from neglect and abuse:**

- The Scottish Government has twice overseen the inspection of child protection services in every part of Scotland, providing, for the first time, a national view of the quality of those services.
- New National Child Protection Guidance was published in December 2010 which sets out expectations for all staff working with children on how to identify and act on child protection concerns.
- The first refresh of the National Guidance was published on 19 May 2014. This refresh includes strengthened guidance for practitioners on Child Sexual Exploitation (CSE). Stakeholders' views and suggestions were sought as part of the refresh.
- On 25 April 2013 updated practice guidance for professionals specifically working with children and families where substance misuse is a factor was published.

#### **Ensuring Scotland's child protection arrangements are effective:**

- The Care Inspectorate published its report in November 2014 on the effectiveness of child protection in Scotland. The Chief Executive of the Care Inspectorate, Annette Bruton, confirmed that generally, arrangements for protecting vulnerable children and adults in Scotland are good although she warned against complacency. The Scottish Government agrees entirely that there is no room for complacency in this respect.

## Tackling Child Sexual Exploitation

- Ministers established the Ministerial Working Group on Child Sexual Exploitation in 2013 to consider the range of activity underway to support children at risk in Scotland, and develop an action plan. The group is chaired by Jackie Brock and membership is drawn from organisations which advise, deliver or support improvement in child protection practices and services in Scotland.
- The National Action Plan to Tackle Child Sexual Exploitation was published on 11<sup>th</sup> November 2014. It reflects the issues that the Scottish Parliament's Public Petitions Committee raised in its own inquiry in this area which followed an original Petition lodged by Barnardo's Scotland (PE1393) on 8 July 2011.
- The plan sets out 41 actions for Scottish Government, Police Scotland, the Crown Office, local authorities, Child Protection Committees, third sector organisations and the Care Inspectorate and includes a commitment to develop an updated plan, which builds on current action. Good progress is being made in implementing the plan. Key developments include:
  - *Improving information about the nature and scope of CSE in Scotland.* Forth Valley has piloted a self-assessment tool created by the University of Bedfordshire which will be rolled out across Scotland following completion of the evaluation.
  - *Providing specialist support to child abuse investigations.* Police Scotland's National Child Abuse Investigation Unit is fully operational and is providing specialist support to local policing Child Protection Units to develop a more co-ordinated and strategic response to child abuse investigations across Scotland.
  - *Increasing understanding of frontline practitioners.* Barnardo's Scotland, in partnership with the West of Scotland Child Protection Chairs Consortium, has developed a practitioner training resource which raises awareness of how children and young people become involved in CSE and how practitioners should respond. The training was piloted between October 2014 and March 2015 and has been delivered in 29 local authority areas.
  - *Ensuring that all practitioners and agencies use the same definition of child sexual exploitation to facilitate joint risk assessment and work to disrupt and investigate offending.* Barnardo's Scotland is leading on collaborative work with the University of Bedfordshire to agree a definition of CSE and its relationship with Child Sexual Abuse, for use by all Scottish practitioners and agencies by December 2015.
  - *Supporting improvements in local practice.* CSE is included as a theme in strategic inspections of children's services and inspections of care homes for children and young people. The Care Inspectorate will prepare a thematic report drawing together common findings from these inspections by March 2016.

- *Raising awareness of CSE amongst children and young people, parents and the wider population.* Work is underway to develop a national campaign to raise awareness and understanding of CSE and provide support for those at risk or concerned. The campaign will target young people aged 11 to 17 and the general public and highlight the warning signs that may indicate a young person is being exploited. The campaign, which will include TV and social media advertising, will be launched in January 2016.
- *Reforming civil prevention orders to better protect communities from those who may commit sexual offences.* The Abusive Behaviour and Sexual Offences (Scotland) Bill will strengthen and streamline the measures that can be imposed on convicted sex offenders and those thought to pose a risk of sexual harm to children and young people.
- *Permitting child sexual offences committed in the rest of the UK to be prosecuted in Scotland.* The Abusive Behaviour and Sexual Offences (Scotland) Bill will extend the extra-territorial effect of the law concerning sexual offences committed against children to include offences committed elsewhere in the UK.
- *Improving early identification of CSE and reporting of concerns.* Work will begin shortly to develop guidance and training for taxi drivers, hotel workers, bar staff and other night time economy staff who come into first hand contact with children and young people so that they can identify CSE and take appropriate steps.

The remit and membership of the Ministerial Working Group has been refreshed. The Group has been tasked with advising the Scottish Government on the national strategic framework for action to tackle CSE, ensuring that work is taken forward within the wider child protection context.

A National CSE Sub Group sits below the Ministerial Working Group and leads on work to support practice improvement and workforce development in relation to CSE. The Sub-group is accountable to the Ministerial Working Group and the Scottish Child Protection Committee Chairs Forum.

The Ministerial Working Group and National Sub-group met jointly in August 2015 to consider progress to date, identify gaps and agree priority areas for further work. These discussions are informing the development of the updated national plan.

In parallel to these developments, the Scottish Government is reviewing its approach to tackling online child sexual abuse, working with the Scottish Stakeholder Group on Child Internet Safety. Action in Scotland is set within the context of UK wide measures which include a new joint team between the National Crime Agency and GCHQ to track perpetrators and the establishment of a single secure database of indecent images of children to improve identification of victims and bring more perpetrators to justice. Police Scotland connected to the database in July 2015..

#### **4. SUMMARY**

The Scottish Government will continue to act decisively to protect Scotland's children and young people from neglect and abuse. This progress report is intended to signal Ministers' direction of travel with respect to the Brock report. While the report represents an important addition to the child protection agenda, the Scottish Government's intention is to work with partners to take its recommendations forward within the context of its broader programme of work to be put in place by February 2016. Indeed it believes it would be remiss not to do so.