

## Mapping policy, strategic and practice developments to the *Getting it right for every child Well-being indicators*

### *Safe ... above all, to be protected from abuse, neglect or harm.*

Some examples of connected policy, strategy and practice (including technological) developments which relate to this priority outcome are outlined below.

*Getting it right for every child* is about safety beyond immediate child protection; about safety in an emotional as well as physical sense; and about safety in sustained caring relationships, as a fundamental precondition for healthy growth and development. However there is rightly an inter-agency focus on prompt and effective assessment and response to risk, and the Scottish Government is consulting upon **revised Child Protection Guidance**, clearly set within the context of the *Getting it right* practice approach.

Procedures and guidance do not protect children. Effective protection requires a competent, skilled and confident workforce. However, the Child Protection Guidance provides a framework in which managers and professionals can apply their skills collectively and effectively, with a shared understanding of the common objective – supporting and protecting children, particularly those who are most vulnerable. One of the fundamental ways to improve outcomes for Scotland's most vulnerable children is for agencies to work together. The revised national Child Protection Guidance sets out common standards for services in Scotland to guide work in child protection, to make clear how agencies should work together and to make sure that practice is consistent and of high quality. This guidance will replace the previous version of *Protecting Children – A Shared Responsibility: Guidance on Inter-agency Co-operation*, which was published in 1998.

**Protecting children affected by parental substance misuse (CAPSM)** is a key priority for the Scottish Government and significant work is underway to improve the circumstances for these children. In 2003, it was estimated that around 65,000 (7%) Scottish children (16 years and under) were living with a problem drinker (*Scottish Government analysis from the Scottish Health Survey 2003*). This is in line with UK National Household Survey results which found that around 705,000 children in the UK (6%) live with a problem drinker. An estimated 40-60,000 children may be affected by parental drug misuse of whom 10-20,000 may be living with that parent (*largely derived from 'Estimating the National and Local Prevalence of Problem Drug Misuse in Scotland' 2006*). Targeted measures to tackle drug misuse and protect children from parental substance misuse (CAPSM) were first set out in our national drugs strategy, (*The Road to Recovery*) [www.scotland.gov.uk/Publications/2008/05/22161610](http://www.scotland.gov.uk/Publications/2008/05/22161610) Again, the CAPSM approach focuses on preventative, early intervention measures – with an emphasis on support for families and strengthened management of immediate risk. It is aligned with our wider change programmes *Getting it right for every child* and the *Early Years Framework*. Collectively, this provides the framework within

which public agencies can work better together with a focus on improving outcomes for children. Our Alcohol Framework, *Changing Scotland's Relationship with Alcohol*, sets out our strategy for tackling alcohol misuse and its impact on individuals, families and communities. The impacts on children of substance misusing parents also justify the significant measures being taken in the Alcohol Bill to reduce overall alcohol consumption.

*Getting it right for every child* pathfinders have done a lot of work on developing effective inter-agency response to a “single trigger” such as **Domestic Abuse**, which can so often be a flag for many other unmet needs and risks. More information and a link to evaluation of this development can be found at: [http://www.sccpn.stir.ac.uk/view\\_news.php?id=411](http://www.sccpn.stir.ac.uk/view_news.php?id=411)

***Getting it right for every child and children and young people who pose a high risk:*** National guidance on child protection is under revision and will be published in 2010. Detailed guidance on child protection procedure and assessment of risk will be set in the context of the *Getting it right for every child* approach to co-ordination of help. However, for the purposes of this Guide to Implementing *Getting it right for every child* it may be helpful to have a few indications of congruence between the *Getting it right for every child* approach and some high risk behaviours by children.

There are a small but significant number of children and young people who present a high risk to themselves and others, and who have complex needs, including mental health and learning disabilities. This includes children and young people involved in sexually harmful behaviour, sexual offences and violence. Risk and need are two sides of the same coin and need to be scoped, assessed and managed using the *Getting it right for every child* approach, balanced against the need to protect the wider public through Multi-Agency Public Protection Arrangements (MAPPA).

Risks cannot necessarily be eliminated, but they can be reduced. Risk management should therefore be understood as risk reduction, with no situation considered as entirely risk free. Collectively, professionals should have confidence that, through defensible decision making, the measures implemented will reduce the risk sufficiently to protect the public and will help improve outcomes for children and young people. Where agencies need to work together to identify and meet needs and manage risks, they will coordinate the action using the Child's Plan.

Assessment should be informed by relevant information shared by all agencies involved with the child and their family. The assessment should focus on every aspect of the child or young person's life and take into consideration needs, risks, strengths and protective factors. Specialist assessments will be carried out by trained social work staff or psychologists.

Risks may increase as young people move between systems and *lead professionals* change. These risks must be continually assessed in light of changing circumstances and appropriate management arrangements identified to

ensure that this transitional period does not become a catalyst for further risky behaviour and offending.

**Protective conditions: practical safety and emotional security in the family**

**home:** To draw on another example which illustrates the need to make links between voluntary and private and statutory services for children, for families, for adults and for communities, we can consider the example of homelessness.

Local authorities' duties to homeless people are set out in the Housing (Scotland) Act 1987 as amended by both the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003. Section 32(8) of the 1987 Act sets out that a local authority, in exercising its functions under section 31 or 32 in respect of an applicant having a priority need for housing by virtue of a dependent child residing with them, must have regard to the best interests of the dependent children. It must also ensure that accommodation provided is suitable for occupation by such children, so far as consistent with their best interests. However, the responsibility for delivering services to children experiencing homelessness, is corporate and multi-agency. Providing services to children experiencing homelessness cuts across all local authority services although some will have greater concern about the housing situation of the child. Other organisations, including NHS Boards, police services, children's reporters and the voluntary and private sector also play key roles in identifying, supporting and protecting children experiencing homelessness. The overarching principle is that agencies must work together where that is necessary to best meet the needs of the individual child. This is where the Scottish Government's approach to *Getting it right for every child* has direct and practical relevance. So to make the connection specific, what might the *Getting it right for every child Values and Principles* mean in relation to homelessness?

- Promoting the well-being of individual children and young people: Ensuring that identify families with children who are at risk of becoming homeless.
- Keeping children and young people safe: Ensuring that temporary accommodation provided for households with children meets the terms of the Homeless Persons (Unsuitable Temporary Accommodation) Order Scotland 2004
- Putting the child at the centre: Ensuring that any children in a household threatened with or experiencing homelessness are involved in decision making about that household and that housing offered is appropriate for their needs.
- Taking a "whole child" approach: Taking account of actual or potential impact on education when dealing with homeless children. Also taking account of the potential impact on social networks and hobbies and interests.
- Building strengths and promoting resilience: Ensuring that accommodation provided allows access to existing social and family networks where possible.
- Promoting opportunities and valuing diversity: Providing information and advice in an accessible manner.

- Providing additional help that is appropriate, proportionate and timely: Acting early and putting in place support packages to prevent families from becoming homeless in the first place, based on assessed needs.
- Supporting informed choice: Taking a housing options approach to provide families with children who are threatened with, or experiencing, homelessness with a range of options, taking account of their priorities.

**Example of a “specialist” area that requires inter-agency awareness: *Getting it right for every child* for children who may have been trafficked.**

These notes provide an introductory link with a specific area of national concern which requires both specialist knowledge and general inter-agency awareness of indicators, assessment processes, required procedures and relevant resources. The safety and well-being of all children are central to *Getting it right for every child for every child*. In protecting children who may have been trafficked we also need to work within UK policy and guidance and while working to Scottish legislation and *Getting it right for every child* principles. This is an example of an area which requires careful and rapid compliance with requirements and a child centred approach which is mindful of the holistic needs of the children in question, whether or not they can subsequently be categorised as “trafficked”.

Context: The UK Government, signed the *Council of Europe Convention on Action Against Trafficking in Human Beings* in March 2007. At the same time, the Home Office and the then Scottish Executive published *the UK Action Plan on Tackling Human Trafficking*(2007). The Action Plan has a dedicated chapter on proposals to combat the abuse and exploitation of children by criminal human traffickers. One of the key commitments in the action plan was to provide targeted guidance to meet the particular needs of children who may have been trafficked. *Safeguarding children who may have been trafficked* was published by the UK Government in December 2007 and provides guidance to all professionals and volunteers working or in contact with children. That version was designed to be used in conjunction with *Working Together to Safeguard Children: A guide to interagency working to safeguard and promote the welfare of children* (2006). A Scottish version of this practice guidance was published following consultation in 2008. <http://www.scotland.gov.uk/Publications/2008/04/08133832/3> as adapted to apply within current Scottish legislation, policy and structures. It is intended to supplement local interagency child protection procedures (and where appropriate, adult protection procedures) and it should be applied with reference to national child protection guidance (a revised version of which will be published in 2010), and the principles set out in the Scottish framework for child protection standards. Local authorities already have a general duty under the Children (Scotland) Act 1995 (the 1995 Act) to safeguard and promote the welfare of children and young people in need in their area. The Scottish Government also fully supports *Getting it right for every child* and the provisions of the UN Convention on Rights of the Child. The practice guidance in this document relates primarily to investigation and child protection. However, such guidance must fit within an approach which looks beyond safety and criminal investigation and which ensures that there is efficient and co-operative assessment and planning to promote and support the rights of children and to identify and address the range of needs for any child who has been

trafficked. The flow chart in Appendix 2 may assist practitioners in thinking processes through.

### **Sharing information to protect children**

Current revision (2010) of the national Child Protection Guidance will consider the complex area of information sharing. *Getting it right for every child* sets the context for this significant revision, and supports principles of good information sharing within current legislation

- The age and stage and state of the child/young person and assessment of the risk of harm (a related but different subject requiring some agency guidance) are significant variables.
- Where consent has been given and information needs to be shared, it can be done so.
- Where consent has not been given but there is a need to share information to prevent harm, to prevent or detect crime or to improve the wellbeing of individuals or groups or for public protection and if the information to be shared is relevant and proportionate, then information should be shared.
- In addition, if a child is considered to be at risk of harm, relevant information must always be shared.
- When information is shared, even when consent has not been sought or granted, children should be informed of what is going to happen next and the reasons for this.
- There may be protocols built in to your service level agreement with the local authority if you are acting on behalf of the local authority in discharging public duties.
- It seems vital to have a form of wording e.g. in first meeting, backed with a leaflet or card, which accurately reflect how you work with private information and yet are accessible to a child or young person. the bottom line, this is what we encourage and this is when we need to share for your sake, and this is how we would do it/ the sort of care we would take to ensure we do it in the way that is best for you etc.
- There are clearly situations where information can be shared without consent rather than homing straight in on confidentiality. However it is appropriate not to disclose information on the basis that it's confidential where there is no justification for breaching confidentiality or no other justification for sharing exists.
- Information sharing must be based on –
  - having the power to share,
  - ensuring any sharing is proportionate,
  - ensuring no unjustifiable breach of confidence and
  - ensuring one of the conditions in Schedule 2/3 of the DPA is met.

Compliance with Schedule 2/3 of the DPA (assuming power to share exists in the first instance) is demanding:

[http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980029\\_en\\_10#sch2](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_10#sch2) is the link and I have extracted some of the wording “....in order to protect the vital interests of the data subject or another person, in a case where— (i) consent cannot be given by or on behalf of the data subject, or (ii) the data controller cannot

*reasonably be expected to obtain the consent of the data subject, or (b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.”*

### **Getting it right for every child, e-care and information sharing beyond child protection**

Why does *Getting it right for every child* involve changes to information sharing systems? At times practitioners need to share information with another agency to help them plan action to help a child or young person. Effective information sharing is crucial if children and young people are to get the help they need and at the time they need it. In future, practitioners will be expected to record information using a shared language, structuring the information around a standard practice model, and sharing key relevant information through the national eCare framework.

A significant development over the next few years will be the new version of the eCare framework to aid information sharing and decision making surrounding the needs of children and young people.

The national eCare framework is an IT infrastructure made up of a set of technology standards, software and applications. The existing framework already supports controlled messaging of information about child protection issues. The Scottish Government is developing the next version of eCare to support further electronic sharing of information about children and young people. It is intended to provide public sector agencies with a single strategic approach to multi-agency information sharing.

The eCare framework is being designed to ensure strictly controlled access to information, yet give ready access to those practitioners who need to know who else may be involved with a child or young person. The intention is not to develop new applications, but to connect existing agency systems to enable secure data sharing. Bringing relevant information together from all involved agencies will allow a ‘chronology’ or ‘child’s virtual shared record’ to be created. This record will be an amalgamation of relevant information from each agency involved, viewed as a single entity.

**How does eCare involve voluntary and private sector organisations?** The voluntary and private sector comprises thousands of disparate organisations, providing a wide range of services to children, young people and families. It will not be possible to have a single solution that allows the voluntary and private sector to connect to the eCare framework so the Scottish Government is developing a range of solutions.

First, the Scottish Government is developing adaptors to enable some large voluntary and private sector organisations to connect their own information systems directly to the eCare framework. This may be a solution for some of the biggest charities that work in close partnership with social work, for example. It will facilitate these organisations’ involvement in multi-agency working through the management of shared case records, such as the child’s record and plan.

Secondly and in parallel, the Scottish Government is developing a new 'point to point' application that will allow smaller organisations access to the eCare framework. This point to point application that will allow practitioners to coordinate and collect appropriate information from other sources in order to facilitate better information sharing. The application is currently known as iACT. It will be a web-based, stand-alone, secure application. An authorised and accredited voluntary or private sector organisation will be able to access iACT via the internet; they will not need a special IT system. Access to iACT will enable the organisation to both request and share information with other agencies that are part of eCare.

**What does better information sharing mean for children, young people and their families?** Being asked for consent to share information as appropriate so that they will not have to tell their stories to different agencies, and so that the right support can be provided more quickly, when it is needed.

**What does better information sharing mean for practitioners?** Being prepared to change their current practice so that it fits with the *Getting it right for every child approach*. Being prepared to use electronic information sharing to enable more effective multi-agency working and achieve improved outcomes for children, young people and families.

**What does better information sharing mean for managers of agencies working with children, young people and families?** Understanding how local IT developments will begin to support the model of information sharing and support changed practice to deliver improved outcomes for children and young people. At a strategic level: considering what new governance and accountability measures may need to be created to support the *Getting it right for every child approach*.

### **Debunking some myths about eCare:**

eCare does NOT create a central data base of children and young people. Each agency maintains its own records on the children and young people it has a relationship with; information is only shared with another agency when it is necessary and relevant for better decision-making.

eCare will support and underpin new and improved working practices, it will NOT drive them. For example, eCare will assist early intervention by making it easier for practitioners to identify who else is supporting or may be able to support a child.

More effective information sharing, including eCare, does NOT undermine the rights of children, young people and families to privacy and confidentiality. The *Getting it right for every child* practice model emphasizes the need to consult and involve the child or young person in all decisions being made about them. Before information can be shared with another agency, the agency must always obtain the consent of the child or young person (or their carer if they are too young or incapable of understanding). If consent is withheld, information can only be shared with another agency if the child's safety is deemed to be at risk.

## **eCare: Next steps**

To ensure that the eCare framework develops as a useful national tool the Scottish Government has set up the Electronic Children's Information Sharing Group (eChISG) as a mechanism for involving stakeholders in the shaping of eCare for *Getting it right for every child* purposes. The eChISG had its first meeting in October 2009 and will agree and prioritise a work programme. Membership of the group includes representatives of all the main public service interests, e.g. COSLA, ADSW and SCRA. The third sector is represented by Barnardo's