

# National child protection guidance resources Parents' and carers' version

A parents' and carers' guide to child protection in Scotland.



**getting  
it right**  
*for every child*



**Scottish Government**  
Riaghaltas na h-Alba

## Using this guide

Everyone is responsible for keeping children safe. When children are in danger or at risk of harm, our responsibilities and rights as a parent, carer, and the responsibilities of people whose job it is to support children, come together to protect children and prevent harm.

The information here is designed to help you understand how the people and processes involved in child protection in Scotland affect parents and carers and it provides information on parental rights and responsibilities.

### Language

There are many types of families and many people who are responsible for looking after children. This is what these words mean in this guide in the context of child protection:

**Child** – all children under 18 have the right to be safe and protected. That's everyone from unborn babies right up to the night before someone's 18th birthday. Parents who are under 18 have rights as children and rights as parents and must be supported based on what they need.

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**Parent or parents** – people who have legal responsibilities for raising a child. A parent can be a biological parent or an adoptive parent. Some children have one, some have two, some have more. In this guide we use the term 'parent or parents' to represent all kinds of family set up so please interpret as this is relevant to you and how your child is parented.

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**Carer or carers** – people who have responsibility for caring for a child but are not their parent. Some children have one, some have two, some have more. Please interpret 'carer or carers' as this is relevant to you and how your child is cared for.

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**A carer or carers with parental responsibilities** – where a person who is caring for a child but who is not their parent has some of the legal responsibilities a parent would have for the child. An example of this would be when a parent is unable to look after a child and a grandparent can ask the court to give the grandparent parental responsibilities and parental rights to care for the child.

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**Family** – family means different things to different people. In child protection, family means the people who may be related to the child, or live with the child, who know them well, and may have some caring responsibilities for them. In this guide we use the word 'family' to represent all different types of family set up.

### Support

You might find it helpful to go through the information in this guide with someone who understands child protection in Scotland. This could be a social worker or organisations who can help. Information on organisations that could help is included in the Advice and Support section.

It's also possible that some parents and carers might find that some of the information provided in this guide is difficult and distressing as it may raise memories about past events. It is important to consider exploring the information contained in this guide with another person you trust to support you, for example, a relative, friend or support worker.

# Information for parents and carers

## Section 1. Keeping children safe

This section explains what child protection is and includes information about how Scotland supports children and families.

### 1. What is Child Protection?

Each and every child in Scotland has the right to be protected from all forms of harm, abuse and neglect.

Everyone has a role in protecting children from harm, abuse and neglect.

Most children in Scotland grow up safe, healthy, protected, loved and well cared for with their parents or carers in loving homes, but at times some children may need additional support and protection.

Child Protection is used to describe what action is taken to prevent harm to children and protect them from abuse and neglect.

It is the responsibility of parents, carers and public services to make sure children are safe and healthy and to support their wellbeing.

If there are significant concerns about a child's safety and concerns that they are not being kept safe and may be harmed, then child protection services need to act. They must work together and with children and their parents or carers to find ways to keep the child safe.

There is national guidance that sets out everything that should be done by everyone who is responsible for keeping children safe as part of their job.

### 2. Scotland's approach to supporting children and their families

The Scottish Government wants every child to grow up feeling loved, safe and respected. To do this, children's wellbeing matters. To have wellbeing, children need to be safe, healthy, achieving, nurtured, active, respected, responsible and included.

An approach called Getting it Right for Every Child is in place for people in government and public services to make this happen. The goal is to work with families to ensure children and their parents or carers have the support they need when they need it.

You and your family have a right to get this support.

### 3. What happens when families need support?

Each child and their family should have a contact person to ask for help when they need early support, advice, and access to services. This person may be called a child's 'named person' and they could be a health visitor or primary school head teacher. There is no obligation on families to accept the offer of support from a named person; it may however, be the case that the named person may have separate responsibilities within their designated role (e.g. as a health visitor or teacher), regardless of whether the family choose to accept their support as a named person.

Each child and their family should be helped by support services working together with them. This means listening to the families, understanding what is happening, and planning with children and their parents or carers to put in place the support that they need.

There should be a range of support available because what children and their families need is individual to them and what a child and their family needs can change over time.

Sometimes even with extra support, things can get more difficult for families and where there are concerns about potential abuse, neglect or serious harm, the police and social work in the local authority should be told about these concerns. If there is a child protection concern, there will be a lead professional who will be a social worker who works in children and families' services in the local authority.

All parents may need support. Where there are risks to the safety of a child, the support will be the most intensive. When there is a child protection concern, a plan of action to keep a child safe may be needed.

This plan is called a Child Protection Plan. The plan of actions should involve the child and their parents or carers as much as possible. It may mean that extra support is given to the family, such as counselling or support services for parents or carers experiencing difficulties such as mental health or substance misuse, or it might mean that extra support such as visits from police and social work staff is needed. All of this should be done quickly to make sure the child and their parents or carers get the right help they need at the right time, and this will be reviewed often to see how this is working.

Intensive support should only be in place when risks and needs are high. This should change as the situation for the child improves.

#### **4. Getting child protection right for children**

Effective child protection means:

- it is everyone's role to help keep children safe
- families should be supported in every way possible to stay together
- a child has the right to live with their family if this is a safe place
- child protection should be explained clearly and honestly to children and their families
- services work together with families to keep children safe
- children's voices are listened to and taken seriously
- the child's circumstances, needs and wishes need to be fully considered
- children and families are as fully involved in meetings and decisions as possible
- relevant information should be shared where needed to protect children, provided that it is necessary, proportionate and lawful to do so
- this information should be kept safe in accordance with the law
- children and families should be informed of their rights including their right to complain if they feel they have not been treated fairly

## Section 2. Rights and Child Protection

This section covers children's rights and the rights of parents in Scotland's child protection system.

### 1. Rights and safety

Parents and carers have rights, including the right to a private and family life, and children and young people have rights including the right to be protected from harm, abuse and neglect.

Parents have responsibilities as well as rights. Responsibilities that mean they must ensure their children are safe and well, that they will follow laws in place to keep their children safe and that if they need help they will ask for this.

When there are significant concerns about a child's wellbeing a local authority must become involved to prevent this from occurring or to ensure the safety of the child. This involvement can mean parents feel their rights as parents are being interfered with.

The local authority must make sure that they are working within the law and where it is safe to do so, parents and carers must be fully involved in discussions about any decisions that are made which affect their family.



## **2. Parental responsibilities and parental rights**

Parents and carers look after children and are who children live with. This can include wider family, kinship carers, foster carers and staff in residential settings.

Although they care for a child on a day-to-day basis, many carers do not have full legal parental rights.

Parents under the age of 18 have the same parental rights as any adult with a child.

Parents and carers with parental rights have parental responsibilities to the children in their care. This includes the need to:

- take care of their child
- provide guidance to their child, giving them help, advice, clear boundaries and support, providing and making decisions in their interests
- make sure their child is getting an education
- be their child's legal representative, speaking for their child in any legal matters which involve them, unless their child is old enough and of sufficient age and maturity to speak to a solicitor for themselves
- and, where a parent, does not live with their child, to maintain contact with their child, where possible

Looking after children means attending to their physical and material needs and their health, development and emotional needs. Looking after children can be very challenging at times and all families can need extra support.

At times some parents or carers harm or are at risk of harming their children because of extra pressures or difficulties that can make parenting even more challenging. Living with stress, poverty, poor mental health or substance misuse can all have an impact on our lives. Parents and carers may need help.

Children of parents who are not British citizens but live in Scotland have the same right to be protected from harm and to be supported. Parents with 'No Recourse to Public Funds' who need support to keep their child safe can find out more information on the Justright Scotland website.

Child Protection is about a balance of safety and rights.

## **3. Children's rights and child protection**

All children under 18 have the right to be safe and protected. That's everyone from unborn babies right up until the night before someone's 18th birthday. Parents who are under 18 have rights as children and rights as parents. They must be supported based on what they need.

Children's rights to be kept safe and healthy is in the United Nations Convention on the Rights of the Child (UNCRC), a set of rights that the UK has agreed to for all children.

The UNCRC includes 42 rights to make sure children and young people are listened to and heard, their views are respected, and they can be healthy, learn, play, grow and be safe.

Children have the right to not be harmed, abused or neglected in any way and child protection works to uphold these rights.

Child Protection is about a balance of safety and rights.

## Section 3. What are harm, abuse and neglect?

Harm, abuse and neglect can be intended and deliberate, or unintended and not deliberate. The impact of harm, abuse or neglect, or risk of these for a child needs careful assessment. It might mean that parents and carers need support to keep their child safe.

It is possible that a child could be harmed, abused or neglected in lots of different situations. They could be harmed, abused or neglected by the adults who are their parents or carers, by their sisters or brothers, or by other relatives or people in the household. Or they could be harmed, abused or neglected by people they don't live with: either by people they know or by people the child and their family don't know. Harm and abuse can happen in person or online.

Here are what the words harm, abuse and neglect mean in child protection.

### **Harm**

Harm means when a child is treated badly or cruelly. This can damage a child's physical and mental health and the way they are developing.

### **Abuse**

Abuse can take many forms and can cause harm to a child's physical health and mental health.

It is important that all parents and carers know something about the different types of abuse so that they can protect their child and speak to someone if they have worries. How something makes you feel is important. If something does not feel right, speak to someone you trust or reach out to professionals whose job it is to also protect children like a teacher, police officer or social worker. Every person in Scotland has access to a social work department in the local authority area they live in, with staff who are trained to support children and families. If you are worried about a child, access the information on the CELCIS website for help.

### **Neglect**

Neglect can take many forms and can cause harm to a child's physical health and mental health.



# Types of abuse or harm

Some of these are difficult to read about and may be upsetting.

If you need to talk to somebody, especially if you are worried or need support, there are services who can help you. Call Parentline on 08000 28 22 33 or go to [Children 1st](#) for advice and support.

## 1. Physical Abuse

Physical abuse is causing physical harm to a child. This can be caused by punching, kicking, slapping, hitting with implements, burning, shaking, or throwing. This can result in wounds, bruises, broken bones and internal injuries leaving children injured, traumatised and, in some cases, leading to the loss of life. They can be left feeling hurt, frightened and upset.

## 2. Emotional Abuse

Emotional abuse is harm caused to a child's emotional feelings and mental wellbeing which does or could cause long term damage. A child can feel worthless, unloved, scared, ignored, put down, bullied, threatened or pressured. Emotional abuse can include making a child take on too much responsibility, being misused by the adults who should be caring for them or being alienated from a parent.

## 3. Domestic Abuse

Domestic abuse where adults in the household are at risk affects children living in that environment. It is traumatic for children who witness a parent or carer who is experiencing physical violence, emotional or sexual violence. This can cause physical and emotional harm to children, including an unborn child.

## 4. Sexual Abuse

Sexual abuse of a child means making or manipulating, forcing or coercing a child to take part in any sexual activity. This could be through physical, sexual contact but also through non-contact activity, for example, involving children in looking at or taking indecent images of them, watching sexual activities of others or encouraging children to behave in sexually inappropriate ways.

## 5. Criminal Exploitation

Criminal exploitation of a child is when a child is manipulated and abused by an individual or group who uses a child (under 18) for criminal activity and may use threats, bullying, violence as well as giving them something, for example, gifts, money, alcohol or drugs, a place to stay, or a sense of belonging, to get the child to become part of a crime or criminal activities. This is abusive and against the law as the child cannot consent to abuse even if they don't feel the situation is harmful to them.

## 6. Child Trafficking

Child trafficking involves the recruitment, transportation, transfer, harbouring or receipt, exchange or transfer of control of a child under the age of 18 years for the purposes of exploitation. Transfer or movement can be within an area and does not have to be across borders. Examples of trafficking can include sexual, criminal and financial exploitation, forced labour, illegal adoption, and forced or illegal marriage.



## **7. Neglect**

Neglect is a persistent form of harm or abuse. Neglect is where the person or people responsible for looking after a child frequently does not meet the basic needs of a child. This harms the long term physical and mental health of a child. Neglect includes children regularly feeling hungry, cold, unwashed, are left unsupervised and feel unloved. Serious neglect is a risk to life.

## **8. Female Genital Mutilation**

Female Genital Mutilation, also called FGM for short, is where a female child's genitalia is cut. The term 'cutting' is also sometimes used. Sometimes girls are taken out of Scotland for this procedure to be carried out elsewhere. This causes long term physical and emotional harm and damage. As a form of violence against women and girls this practice is illegal in the UK.

## **9. Forced Marriage**

Forced marriage is where a child is or feels they are or were being forced to marry someone without wanting to and feeling pressure to do this. The child may be taken out of Scotland to undergo a marriage ceremony against their will. This can cause emotional harm and put the child at risk of physical or emotional abuse. It can cause the child to become isolated and it can impact on their relationships with their family and their wider community. Forced marriage should not be confused with arranged marriage which is where individuals give their consent.

More information about types of harm is available on the CELCIS website.

If the harm becomes a serious concern or the risk of this increases this is sometimes called significant harm. Serious concerns are usually concerns about abuse and neglect and may mean a child protection approach is needed.

Concerns about a child being harmed or abused or risk of them being harmed or abused must be investigated.

If a child has been harmed or abused or is at risk of being harmed or abused a plan to protect the child must be put in place. This plan is called a Child Protection Plan and is decided and agreed at a meeting called a Child Protection Planning Meeting.

## Section 4. Raising concerns about a child

Child protection can be complex. This section of our website explains more about the process, including what happens if you have concerns about a child.

### 1. What might happen if someone is worried about a child?

Anyone who is worried about a child and thinks they might not be safe should pass on this information to the services whose role it is to protect children: social workers and the police.

This is to make sure that services can work together with parents and carers to keep children safe from harm and take any action needed.

Social workers, health professionals and the police will gather information to help decide whether further investigation is needed.

### 2. Who needs to share information about their worries?

Everyone has a role in protecting children from harm, abuse and neglect. Anyone concerned about a child can and should share their worries.

This includes:

- parents and carers who are worried about their child or another child they know
- school teachers or other adults who work in the child's school
- health professionals like doctors, nursing staff, health visitors
- people who know the child including their relatives, neighbours or local youth workers
- other people in the community who may have seen or heard something that has worried them

### 3. Who needs to know this information?

Everyone has a right to privacy and family life.

When a child is not safe and needs to be protected there will be some people who will need to know about this and it is necessary to share relevant information with them. The people who may share and hold this information securely include:

- the child's parents or carers, who are responsible for the child's care and know them best
- police officers whose job is to protect children and vulnerable adults as part of their duty to protect the public
- social workers whose job is to support children and families, protecting children when they are not safe
- health professionals like nurses, doctors, and health visitors who may need to know if a child has been hurt or injured
- staff working in education, including nurseries, schools and colleges, who will know the child and see them often
- other relatives and friends who may need to have some information to help them in their role in helping to keep a child safe
- there will be a lead professional who will be a social worker who works in children and families' services in the local authority

#### **4. Sharing information about the child**

To protect children, people need to know if the children are unsafe or at risk of being unsafe.

People whose job it is to keep children safe can and must share relevant information about a child and their family when they are worried about a child.

They must share relevant information, provided that it is necessary, proportionate and lawful to do so, in a way that is secure and only with the people that need to know so that they can take action to keep a child safe. They do not need to ask parents or carers for permission to share this information.

This is called confidential information sharing.

Confidential is not secret but it is secure and respected.

Children aged 12 and over are presumed to be of sufficient age and maturity (unless the contrary is shown) to see any information that is being shared about them and to challenge this should they want to. This is called a subject access request. The procedures for doing this are explained on the Information Commissioner's Office website. To protect children and the privacy of others, some of this information may not be shared in full.

For children under the age of 12 (or for those aged 12-16 who are not of sufficient age and maturity), parents and carers with parental rights can make this subject access request on the child's behalf but there are restrictions on this if there could be risks to a child. More information about this is on the Information Commissioner's Office website. To protect children and the privacy of others, some of this information may not be shared in full.

Information sharing is covered by Data Protection legislation and the General Data Protection Regulation. More information about this is on the Information Commissioner's Office website.

#### **5. Sharing information about a parent or carer**

To protect children, people need to know if they are unsafe or at risk of being unsafe.

People whose job it is to keep children safe can and must share relevant information about a child and their family when they are worried about a child.

They must share relevant information, provided that it is necessary, proportionate and lawful to do so, in a way that is secure and only with the people that need to know so that they can take action to keep a child safe. They do not need to ask parents or carers for permission to share this information.

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Parents and carers have the right to request to see any information that is being shared about them and to challenge this should they wish to. This is called a subject access request. The procedures for doing this are explained on the Information Commissioner's Office website. To protect children and the privacy of others, some of this information may not be shared in full.

Information sharing is covered by Data Protection legislation and the General Data Protection Regulation. More information about this is on the Information Commissioner's Office website.

## Section 5. What Happens Next?

There might be different people involved now. This explains who might be involved and why.

### 1. The Inter-agency Decision Making Process

When a concern is passed to the police or social workers information is shared during an Inter-agency Referral Discussion which can also be called an IRD for short. At that point the people whose job it is to keep children safe – the police, social work, health and education – will meet to consider what needs to be done to support the child and their family and ensure the child can be kept safe.

The child and their parents or carers do not go to this meeting.

The police and social workers are responsible for investigating the concerns and working with others to make a plan to protect a child from harm or risk of harm. This is called an Interim Safety Plan. In an emergency, where there is an immediate risk of harm, the police may need to take immediate action including ensuring a child can be in a place of safety.

The Inter-agency Referral Discussion can lead to any one of three decisions.

1. Child protection processes are not required but support may be provided through other processes
2. Single agency response to child protection concerns, through social work, police or health teams
3. Multi-agency response to child protection concerns, through some combination of social work, police, health and education teams, as required for the specific situation

Information about the Children's Hearings System is on the Scottish Children's Reporter Administration website.

### 2. If there are worries that a child might be unsafe, who might speak to the child about this?

When a child may have been harmed they may be asked to speak to the police and social workers in what is called a joint investigative interview.

This interview is specially planned in a way that understands a child's circumstances and is conducted in a sensitive and child-centred way so that the child knows what will happen before, during and after the interview and who can support them. It may not be appropriate for the child's parent or carer to be with their child in the interview.

Police and social workers have a duty to investigate when they suspect that harm might have occurred or there is a risk of harm to a child. However, the police and social workers will assess if a child is able and willing to be interviewed and what support might be needed.

### **3. If there are worries that a child might be unsafe, why might the police and social workers speak to a child about this?**

There are several reasons why the police and social workers might need to have a joint investigative interview with a child. As well as trying to find out if the child has been harmed or is at risk of harm, they will need to understand if any other children, such as sisters or brothers may have been harmed or if the child has been a victim of a crime or a witness to a crime where another child or an adult has been harmed.

They will listen and learn from the child to see why there was a worry or concern reported.

The information shared in the interview can also help the police to establish if a crime may have been committed against a child or anyone else, to understand where the child is under 12 whether there are concerns about them harming others, or to gather evidence for a future court case or information the Children's Hearing might need.

### **4. Specialist health assessments and medical examinations**

If a child has been hurt or injured, a medical assessment or specialist medical examination might be needed.

To protect a child from any further harm to their physical and mental health and wellbeing and keep them safe, it needs to be understood whether the child has been harmed due to abuse or neglect, or whether there is another cause for the concern.

### **5. Preparation and consent for specialist health assessments and medical examinations**

The child must have every opportunity to ask questions and gain reassurance from the health professional looking after them. It is important that the child feels safe through this process and if they want, they can be accompanied by an adult that they can trust.

Social workers, the police and the examining doctor should make sure that the child, their parents and carers, or any other trusted adult who is with the child, can hear about what is happening.

Before an assessment or examination is done, the examining doctor needs consent from or on behalf of the child to be given. There are three ways consent can be given:

1. A parent or carer with parental rights can give consent
2. A child who is assessed to have capacity to consent by the examining doctor can give consent
3. Consent can be given by a court order acting in the interests of a child

It is also important to understand that in an emergency, for example where there is threat to life, a doctor can medically treat a child without consent.

In some health board areas of Scotland, children over the age of 16 who have been victims of rape or sexual assault are able to self-refer for a forensic medical examination. They are able to do this without first making a report to police.

Children, especially where sexual assault or abuse has been experienced, are able to ask that the examining doctor who treats them is a woman or is a man and where possible, these wishes should be supported.

## **6. Safe care away from home**

The right to family life means that children have the right to live with their parents and parents have the right to live with their children.

If children are not safe living with their parents or are at risk of being unsafe living with their parents, children may need to live away from their parents.

When a local authority needs to protect a child in this way, they need to identify a safe place for the children. This may mean the child living with their other family members such as grandparents or aunts and uncles or with foster carers or in residential care.

Where more than one child is not safe at home, the local authority will keep sisters and brothers together or in contact with each other if keeping them together is not possible.

If the situation at home is so unsafe or dangerous for the child or children and it is decided that they cannot stay there, this can be decided quickly. This can feel very sudden and will be an upsetting change for everyone involved.

These decisions should only be taken when necessary to keep a child safe or to prevent further harm. The decision needs to be supported either by parents or carers with parental responsibilities agreeing to this in what is called a voluntary arrangement, or through a child protection order which must be made by the court.

A voluntary agreement should last as long as it is necessary. The safety of the child is the priority. If a parent or carer removes their consent and there are still concerns about the child's safety at home then the local authority can seek a child protection order through the court.

You can find out more about these legal processes and parents' rights [here](#).

## **7. Having a say in what happens next**

The child, their parents or carers must be asked about ways to keep the child safe.

Your views about how to keep your child safe are very important. Your views should be listened to carefully and fully inform any decisions made.

The views of your child and any sisters and brothers they have are important and should be sought and taken into account in these decisions.

The views of other adults who know you and who may be able to help care for your child for a short period of time also need to be considered.

After all these views are gathered and considered a plan of action will be made.



## Section 6. The Child Protection Planning Meeting

Child protection planning meetings have a key role to play in protecting children. Find out more about them [here](#).

### 1. The Child Protection Planning Meeting

If there are significant concerns that a child has been harmed or is at risk of harm, people responsible for protecting children from harm will need to come together and make a plan to protect that child and support them and their family.

This meeting is called a child protection planning meeting.

This will involve social workers, the police, health professionals, education staff and any other agencies who know the child and their family or are already working to support the child and their family.

The meeting will share and consider all the relevant information that agencies know about the child's circumstances and whether the concerns about their safety are significant or not. They will look at any actions that have already been taken, whether these are making a difference and if anything else needs to happen to keep the child safe.

If the meeting decides that the concerns are significant they plan and agree actions to help keep the child safe.

It is important that the meeting knows what the child and their parents or carers think. Children and parents and carers need to be supported to prepare for the meeting and to take part.

### 2. Who attends the Child Protection Planning Meetings?

If the child is able to take part and wants to, they can attend the meeting and should be supported to be there. If they are not able to go to the meeting, for example if they are very young, or they don't want to, they can tell people at the meeting how they feel and what they want in another way. They can write down what they think or draw a picture and this can be shared, or they can tell an adult who can speak for them at the meeting.

Parents or carers with parental responsibilities should be invited to the meeting. They know their children best, have responsibilities for keeping their child safe, and rights to a family life. Parents and carers are entitled to advocacy support to help represent their views. Parents and carers can bring someone along to speak on their behalf, for example, an advocate or a solicitor, and the meeting chair should make sure that parents and carers attending the meeting understand everything that is happening.

Before the meeting, a social worker will plan with the parents or carers how they want to be involved and will discuss what kind of advocacy or support they might want or need. Taking part is voluntary, parents and carers can choose if they want to attend the meeting or not.

Social workers who are responsible for supporting the child and their family will be at the meeting and the police, who are responsible for protecting the child from harm.

Health professionals who have an understanding of the child's health and wellbeing, and education staff who know the child and are also responsible for keeping them safe, for example, their school headteacher, will also be asked to be at the meeting.

Any members of the family who also care for the child and foster carers already caring for the child will also be invited.

### **3. Taking part in the Child Protection Planning Meetings**

Before a Child Protection Planning Meeting happens, information about how the meetings work should be made available to children and parents or carers and in a way that is most helpful to the child or adult.

Parents or carers with parental responsibilities need time and support before, during, and after the meeting to consider and understand the information being shared and discussed, the concerns being raised, and any decisions being made. This includes having the time to read reports or help to understand what the reports used in the meeting say.

The meeting is managed by a chair who will be a person who has significant experience in child protection. The chair will usually be a social work manager.

The chair should talk to the parents or carers before the meeting begins to explain how the meeting will work and answer any questions they may have.

In exceptional circumstances, a parent or carer might not be allowed to attend the meeting. The chair would make this decision and must explain this to the parent or carer. This would happen, for example, where under the law a person is not allowed to contact another person or if there are concerns that the adult presents a significant risk to others attending the meeting, including to the child.

These meetings can be quite complicated. They can feel frightening for parents and carers who can feel anxious and worried.

The chair can pause the meeting for a break if that would help the child or the parents or carers.

### **4. What can the Child Protection Planning Meeting decide?**

The purpose of the meeting is to decide how to keep a child safe.

If a child has been harmed or is at risk of being harmed, it will be agreed that a Child Protection Plan is needed. This will require people responsible for protecting children and the child's parents or carers to take actions to keep the child safe.

For parents and carers, taking part in this is voluntary. They do not have to agree to the plan, but the plan will be put in place to protect the child.

To support the development of the plan, a child protection core group will be established. It will meet within two weeks and bring people together to develop the detail of the plan with the parents or carers and organisations who will be supporting the child.

The people at the meeting will also consider what else might be needed to help keep the child safe. For example, the meeting might decide to make a referral to the Children's Reporter for the Children's Hearing System if it is believed that additional legal powers may be required to keep the child safe. This will happen when a parent or carer isn't able to give their support to the actions in the plan voluntarily or doesn't want to.

In circumstances where the risk of harm to a child is felt to be severe and urgent, the action following the meeting will be for the local authority to apply for a child protection order through the court. If this order is granted, the child will be supported to live in a place of safety away from their parent or carer, and the Children's Hearings System would start to support the child and their family to understand how to keep the child safe in the long-term.

If a Child Protection Plan is put in place then it will be necessary to add the child's name to the local authority's child protection register so that people responsible for keeping children safe know that this child might be at risk and that they and their family need some support.



The meeting could decide that there doesn't need to be a Child Protection Plan and the child's name does not need to be on the child protection register but that to support the child and their parents or carers, having a plan might be helpful. In those circumstances they will recommend a plan of action for support from services, sometimes called a Getting It Right For Every Child's Plan.

If there is no overall agreement by the people at the meeting on the actions to take, the chair will make the final decision. They will consider all the information raised in the meeting.

If the meeting decides that a Child Protection Plan is needed and that the child's name should be added to the child protection register, and parents or carers don't agree with this, they have the right to complain against decisions. If there is no complaint, the Child Protection Plan and registration begins and is reviewed within six months of being made.

## **5. What is the Child Protection Register?**

The register is a list held by the local authority, usually the social work children's services, so that people responsible for keeping children safe know that this child might be at risk and that they and their family needs some support. It lets them know there is a Child Protection Plan in place.

It does not give the local authority or anyone else any legal powers over the child.

It is confidential and is only shared with those staff that need to know. It is kept securely.

When it is decided that there is much less risk of harm, the child's name is removed from the register. A child protection meeting called a review makes that decision.

If a child whose name is on the child protection register moves from one local authority area to another local authority area, the original local authority will notify the new local authority who will put the child's name on the register in their area.



## 7. The Child Protection Plan

This is where professionals involved in a child's life, come together as a group to put a plan in place to protect them.

### 1. What happens after a Child Protection Plan is put in place?

The people who have direct and on-going involvement in supporting a child and their parents or carers when there is a Child Protection Plan in place are brought together to work as a group. They are called the Core Group. Their role is to develop the plan, put it into action, monitor what is being done and review it. All this must be done in partnership with the child and their parents or carers, unless their parents or carers have chosen not to be involved.

The Core Group should:

- meet in person on a regular basis, or virtually depending on the circumstances, the first time being within 15 days of the Child Protection Planning Meeting
- communicate between all the services and agencies involved with supporting the child and their parents or carers, to share progress and any concerns
- activate a different plan promptly if progress is not made or the situation for the child gets worse

Children, their parents or carers should continue to be supported to take part in discussions about the plan and contribute to the plan.

Sometimes a Child Protection Plan can be put in place before a baby is born if there are concerns that the unborn baby may be at risk of harm. In those circumstances the name of the unborn baby will have been added to the child protection register so that the need for support is identified and known. A meeting may be held before the new-born baby leaves hospital, or if this is not possible a meeting may be held as soon as possible after the new new-born baby leaves hospital, to decide if an appropriate plan of support and safety post birth is in place, and to decide whether any changes are needed to the plan. As with all child protection planning, the active involvement of the parents in this process should be sought and supported.

### 2. Disagreeing with the Child Protection Planning Meetings

Children and their parents or carers have the right to disagree and challenge the decisions that are taken at the meeting.

They should be advised how they can raise a complaint using the local authority's complaints procedure. They should be supported to use this to say they don't agree with the decisions and why. The social worker can assist the child or their parents or carers with this. An advocate or independent advice agency such as the Citizens Advice Service can also provide support.

When this happens, the information shared at the meeting and the decisions made will be looked at by a senior officer within the local authority who was not involved in the meeting. The complaints procedure should explain how long this will take. The senior officer will then write to the child or adult who has disagreed with the decisions to tell them what the outcome is and why.

All children and their parents or carers can also raise concerns if they think they have not been treated fairly or wish to raise any other issues or make a complaint, through their local authority's complaints procedure.

### **3. Seeing how the actions in the Child Protection Plan are working**

Within six months of the Child Protection Planning Meeting, a meeting to review the plan will be held to consider the actions that have been taken.

In circumstances where there is a pre-birth Child Protection Planning Meeting, the review meeting will usually happen within 3 months of the previous pre-birth Child Protection Planning Meeting.

Like the first planning meeting, the review meeting will share information about risk and concerns but it will also look at the progress made to keep the child safe and support them and their family.

If it is agreed that the child is no longer thought to be at risk of significant harm and the Child Protection Plan is no longer needed, their name should be removed from the child protection register.

If it is thought that the child is no longer at risk of significant harm but the child and their parents or carers may still require and benefit from ongoing support, this should be managed through a plan that can be put in place to identify and provide the support needed. This plan can be called a Getting It Right for Every Child plan.

When the review shows that the necessary progress has not been made and a child is still at risk, the Child Protection Plan is revised to include more or different actions. The support continues and a period of a time for a new review is agreed.

Children and their parents or carers can go to this meeting. Their views will be sought and considered. They will be supported to attend and again, if a child is unable or does not want to go to the meeting, someone can represent what the child thinks and wants.

In exceptional circumstances, a parent or carer might not be allowed to attend the meeting. The chair would make this decision and must explain this to the parent or carer. This would happen, for example, where under the law a person is not allowed to contact another person or if there are concerns that the adult presents a significant risk to others attending the meeting, including to the child.

These meetings can be quite complicated. They can feel frightening for parents and carers who can feel anxious and worried.

Parents and carers can bring someone along to speak on their behalf, for example, an advocate or a solicitor, and the meeting chair should make sure that parents and carers attending the meeting understand everything that is happening. The chair can also pause the meeting for a break if that would help the child or the parents or carers.

## 8. Legal Processes in Child Protection

There are other people and bodies involved in child protection. This section provides more information about what they do.

### **Children's Hearings and Compulsory Supervision Orders**

The Children's Hearings System is the legal system for children and young people in Scotland where there are either concerns about risk to a child or a child is in need of support.

When a child has been referred to the Children's Reporter then this may start a legal process for them and their parents or carers.

The Children's Reporter's role as part of the Scottish Children's Reporter Administration is to decide when a child has been referred to them whether further investigation of their circumstances is needed.

Where the Reporter decide a child is at serious risk of harm a compulsory supervision order will be granted to provide them with added legal protection and help keep them safe.

Find out more about the Children's Hearings System in Scotland and what's involved on the Scottish Children's Reporter Administration website.

### **Your Child Being a Witness in Court**

Children who have been harmed, have witnessed a crime, or who disagree with decisions taken about their lives may need to be involved with legal proceedings and either go to court or be represented at court.

Find out more about how the Children's Hearings System and the courts work together on the Scottish Children's Reporter Administration website.

If and when a child needs to go to court as a witness, the court will consider how this process can be made easier for the child and their parents or carers. For example, if you have been a victim of domestic abuse, Special Measures are in place to support you. Information on this is on the Victim Support website.

In Scotland, the age of criminal responsibility is 12 years old.

Children under 12 accused of a crime can be referred to a Children's Hearing if they appear to be at risk or vulnerable. They are referred for their own care and protection, not for committing an offence. The hearing can decide how to help them and their family, which might be a compulsory supervision order. Children under 12 can't be convicted or get a criminal record.

Most children between the ages of 12 and 15 who commit a crime will be referred to the Children's Reporter, who will decide whether to refer the child to a Children's Hearing. A decision by a Children's Hearing can become part of a criminal record.

If a child of 12 or over is accused of committing something serious, they can be prosecuted in the courts.

Currently, children aged 16 to 18 who are accused of committing a crime can only be referred to a Children's Hearing if they are already subject to an order from a children's hearing. However, this is due to change as a result of the Children (Care & Justice) Bill becoming law. The maximum age of referral will change from 16 to 18 when the Bill is implemented.

More information is on the Scottish Courts and Tribunals Service website.

## 9. Legal Advice and Support

There are people who are not part of child protection services who you can speak to if you are worried or have questions about the child protection process.

You might find it helpful to go through the information in this guide with someone who understands child protection in Scotland. This could be a social worker or there are organisations who can help which are set out below.

It's also possible that some parents and carers might find that some of the information provided in this guide is difficult and distressing as it may raise memories about past events. It is important to consider exploring the information contained in this guide with another person you trust to support you, for example, a relative, friend or support worker.

Reading about harm, abuse and neglect is difficult and may be upsetting. There are services who can help you. If you need to talk to somebody, call Samaritans on 116 123 or Breathing Space on 08000 28 22 33. If you are worried or need support, call Parentline on 08000 28 22 33 or go to [Children 1st](#) for advice and support.

### Legal advice

#### Citizens Advice Scotland

Citizens Advice Scotland, the Extra Help Unit, and their local offices, is Scotland's largest independent advice network. Advice provided by the service is free, independent, confidential, impartial and available to everyone.

[www.citizensadvice.org.uk/scotland/](http://www.citizensadvice.org.uk/scotland/)

#### Finding a solicitor

Solicitors are experts on law. They can give legal advice; tell people what their legal rights are and how to enforce them; help people to resolve a problem without going to court or a tribunal; or represent them in court or a tribunal (if needed)

[www.mygov.scot/find-solicitor](http://www.mygov.scot/find-solicitor)



## **The Scottish Child Law Centre**

The Scottish Child Law Centre is a Scottish charity that provides free legal information by qualified solicitors on all aspects of Scots law relating to children and young people across Scotland. They can advise on matter related to parental responsibilities and rights, residence, contact, children's rights, youth offenders, education, health, social work and access to files, and the advice given is impartial, confidential and child centred.

[www.sclc.org.uk/](http://www.sclc.org.uk/)

## **Clan Childlaw**

Clan Childlaw is Scotland's law centre for children and young people. They are lawyers for children and young people and regularly represent children and young people in court, at Children's Hearings, and in important meetings.

[www.clanchildlaw.org/contact-us/](http://www.clanchildlaw.org/contact-us/)

## **Scottish Legal Aid Board**

Legal aid is the help you can sometimes get when you can't afford to pay your own legal costs. You can only apply for legal aid through a solicitor who does legal aid work. The Board does not provide legal advice. A solicitor will: talk you through your options; let you know if you're likely to get legal aid; help you with the application process. You may not need to pay anything at all, depending on your financial position and the type of legal help you need. You may have to pay some money towards the legal costs of your case, or pay costs back later.

[www.slab.org.uk/new-to-legal-aid/](http://www.slab.org.uk/new-to-legal-aid/)

## **Independent advice, information and advocacy**

### **Parentline**

Parentline is an advice and information service for all parents and carers of children in Scotland.

[www.children1st.org.uk/help-for-families/parentline-scotland/](http://www.children1st.org.uk/help-for-families/parentline-scotland/)

### **Kinship Care Advice Service Scotland**

The Kinship Care Advice Service for Scotland (KCASS) provide free, confidential, impartial advice to Kinship families and professionals working with them.

[www.kinship.scot/](http://www.kinship.scot/)

### **TFN – the Fostering Network**

The Fostering Network is the UK's leading fostering charity. It provides advice, information and services to foster carers and families.

[www.thefosteringnetwork.org.uk/](http://www.thefosteringnetwork.org.uk/)

### **Adoption UK Scotland**

Adoption UK Scotland is a charity that provides information, support and advice to adoptive parents.

[www.adoptionuk.org/get-help-now](http://www.adoptionuk.org/get-help-now)

## **Who Cares? Scotland**

Who Cares? Scotland is a national, independent organisation for care experienced people in Scotland which provides support including independent advocacy, a helpline, knowledge about rights and access to local groups.

[www.whocaresscotland.org/](http://www.whocaresscotland.org/)

## **Independent advocacy**

Who Cares? Scotland provides independent, free and confidential advocacy to care experienced children and young people.

[www.whocaresscotland.org/get-support/advocacy/](http://www.whocaresscotland.org/get-support/advocacy/)

A number of organisations provide advocacy for children attending Children's Hearings. The details for each local area are found on their website.

[www.hearings-advocacy.com/contact-someone-local/](http://www.hearings-advocacy.com/contact-someone-local/)

In some local authority areas, parents and carers who have additional needs or need support with their mental health, may be entitled to advocacy services which can provide an independent person who can discuss and represent your views. Ask the social worker working with your child and family if this support is available if you would find this helpful.