

**Scottish Government Consultation
Register of Child Welfare Reporters, Curators ad litem, etc**

**This consultation response was submitted via the Scottish Government's
Consultation Hub.**

**1. Who should provide the operation and management of the register of child
welfare reporters?**

the Scottish Government

the Scottish Government should contract this out to a third party

this should be run by the SCTS on a national level.

another option – please state ✓

don't know

Why did you select your answer?

We do not have a view on who should provide the operation and management of the register. This is a decision for ministers. However in our evidence to parliament during the passage of the Children (Scotland) Act 2020 we supported proposals to centralise the management of the register to ensure consistency and maximise the benefits of registration.

**2. Do you agree/disagree with the proposed process for including an individual
on the register of child welfare reporters?**

Agree ✓

Why did you select your answer?

Any process should be fully transparent, to encourage trust in the process by children, young people and their families. As we expressed in our evidence to parliament, it is vital that the process ensures that anyone included on the register has the appropriate training and skills to realise the rights of children and young people.

**3. Do you agree/disagree that child welfare reporters should be included on
the register for a three year period?**

We have no view on the length of time, however it is important that registration be reviewed regularly, to ensure that ongoing training has taken place and we recognise the value of this register being consistent with that for safeguarders.

A process to remove individuals from the register is important in order to protect the rights of children for whom a child welfare reporter is appointed.

8. Do you agree/disagree with the proposed requirements that a person must satisfy in order to be included on the register of child welfare reporters?

In 2016 our office, together with Scottish Women's Aid, brought together a group of children with experience of court ordered contact in the Power Up Power Down project (<https://womensaid.scot/project/power-up-power-down/>). Amongst the outputs of the project was the creation of the Super Listener – which was designed by the children involved and captured what they felt were the important qualities necessary for someone to support the participation of children and young people in court decisions. We feel that, in addition to formal qualifications, the requirements should reflect the attributes and attitudes of the Super Listener and an understanding of children's human rights to participate and have their views taken into account in all decision-making.

9. Are there any other requirements that a person must satisfy in order to be included on the register of child welfare reporters?

Yes ✓

Given the recent passage of the United Nations Convention on the Rights of the Child (Scotland) Bill and the Scottish Government's commitment to imminent implementation of it, it is disappointing that there is no requirement for training, qualification or experience in children's human rights included in these proposals.

Included in the stated policy aims of the Children (Scotland) Act 2020 was "further compliance with the United Nations Convention on the Rights of the Child ... in family court cases" and in our evidence to parliament during the passage of that Act, we emphasised the importance of training on children's human rights for all those involved within the justice system, but particularly for child welfare reporters.

Our evidence was informed by the views of children and young people with experience of court ordered contact, working with ourselves and others, in particular those involved in Power Up Power Down, a joint project by ourselves and Scottish Women's Aid, the Everyday Heroes project and in YELLO.

The young people of YELLO, in their evidence to the Justice Committee said:

The child welfare reporters should spend a lot of time training and working with experts on domestic abuse. They should be specialised in that area. It is not good enough to only have a few days training. These people are paid to help children and they need to be aware of children's rights, and to help children be aware of their rights.

It is disappointing, therefore, to find that children's rights are completely absent from the body of the consultation paper on these proposals, save a reference to a Child

Rights and Wellbeing Impact Assessment in the conclusion. By contrast, there are 5 references to parental rights.

It is essential that the training and skills requirements for Child Welfare Reporters include training on children's human rights as expressed in the UNCRC and other international human rights treaties.

10. Do you agree/disagree that existing child welfare reporters have to apply to be on the new register?

Agree ✓

To ensure children's rights are realised in court proceedings, it is essential that all those on the register be subject to an application process which ensures they have appropriate training and skills for this important role.

11. Do you agree/disagree with the proposed training requirements for child welfare reporters?

Agree ✓

Particularly in the context of implementation of UNCRC incorporation, it is important that ongoing training is a requirement of registration as a Child Welfare Reporter. This should include minimum annual training on core elements, including children's human rights.

12. Is four days of paid training per year for child welfare reporters appropriate?

Yes ✓

We do not have a strong view, however this would seem in line with other continuous professional learning requirements.

13. How should fee rates for child welfare reporters be applied?

Hourly rate ✓

We believe that, for the reasons outlined in the consultation paper, an hourly rate would best ensure that children and young people benefit from the appointment of child welfare reporters, even in complex cases. The amount of time required should be considered individual, taking into account the best interests, needs and views of the child. The "deliverable" should be the quality of the participation and a focus on report length may detract from this.

14. Do you have any comments on the proposed policy in relation to expenses for child welfare reporters?

Yes ✓

Ensuring that children living in remote rural and island communities enjoy equal access to court welfare reporters to those living in urban areas will require the payment of appropriate expenses for travel and subsistence to facilitate the child's full participation in the proceedings.

15. When a child welfare reporter is selected should this be:

Selection of a child welfare reporter should, primarily, be the person best suited for that particular child (or children). It may require specific areas of expertise or skills and these may not become apparent until after the court orders a reporter be appointed. There should therefore be flexibility for the body making the appointment.

16. Should a child welfare reporter provide recommendations on what is in the best interests of the child in their report?

No ✓

The purpose of the appointment of the reporter should be to assist the court and ensure that sufficient evidence of the child's views and individual circumstances, including their living conditions, relationships, health, wellbeing and needs is available for the Court to take into account in the judicial decision-making. It is the role of the Court to assess the evidence and make a determination on best interests and in our view inappropriate for the child welfare reporter to make recommendations on best interests.

17. Do you have any comments on the proposed procedure for complaints from individuals who are unsuccessful when applying to be on the register of child welfare reporters or are removed from the register?

No answer – it is not appropriate for us to comment on this.

18. Where a child welfare reporter has a grievance about fees or expenses or comments on their appraisal should this be dealt with by the body appointed to operate and manage the register?

No answer – not appropriate for us to comment on this.

19. Do you have any comments on the proposed procedure for complaints about child welfare reporters?

Yes ✓

It is important that the child and any person included in the child welfare report be afforded the opportunity to challenge the conduct of the child welfare reporter and/or the accuracy of the facts reported. To ensure the child's rights are protected, it would be helpful if the child welfare reporter had a duty to report back to the child and produce a child-friendly version of their report which could be given to the child along with the original copy with details of the section of the report referring to the child's engagement with the reporter. The process for a complaint to be made by the child (or any other person) should be clear, transparent and accessible from the outset and child-friendly advice and assistance, and/or legal advice must be made available to the child who wishes to make a complaint.

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