

**Scottish Government Consultation
Register of Child Contact Centre services**

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

1. How important do you feel it is that each of the following areas are included in the regulations for minimum standards of accommodation? (Very important, somewhat important, fairly unimportant, very unimportant)

Are safe and secure (including any outdoor areas), free from avoidable hazards and have a secure entry system **Very important**

Have toilets, nappy changing facilities and (where available) kitchen facilities that are in good condition with access to hot and cold water and compliant with existing environmental health and safety requirements **Very important**

Have furniture, soft furnishings, toys and equipment (including outdoor play equipment) and appliances/fittings that are in good condition and compliant with health and safety requirements, including British Standards Institution (BSI) safety standards **Very important**

Have adequate space to meet the needs of children and families using the centre, including sufficient waiting areas **Very important**

Have at least two separate entrances/exits, where possible **Very important**

Have access to age appropriate and good quality play equipment and play spaces, including outside space where possible **Very important**

Have clearly defined emergency evacuation plans in place that staff, parents and children are aware of and that are well signposted **Very important**

Have fire safety equipment that conforms with BSI safety standards **Very important**

Have a first aid box **Very important**

2. Are there any other areas that should be considered for the minimum standards for accommodation?

Yes ✓

All minimum standards must be human rights based. Minimum standards should be in line with the requirements for registration of early years provision, located in similar settings, i.e. play groups and childminders.

The data protection and privacy rights of all those managing, employed/volunteering in or most importantly using the centre must be respected at all times.

3. Do you agree with the proposed process for and frequency of inspections for a provider's registered premises?

We do not have a position on this.

4. Do you agree/disagree with the proposed sanctions for non-compliance with the accommodation standards?

We do not have a position on this.

5. Should the same minimum standards that apply to registered premises also apply to alternative premises?

Yes ✓

There must be national consistency of service which meets minimum standards.

6. Are there any other areas that you think should be included in the minimum standards for alternative premises used on an ad hoc basis?

7. Do you agree/disagree with the proposed process for inspections for alternative premises used on an ad hoc basis?

We do not have a position on this.

8. Should a contact centre provider be able to self-certify a premises as appropriate in situations where alternative premises are required unexpectedly or in an emergency?

No ✓

It is difficult to foresee an example where alternative premises are required unexpectedly or what type of emergency would require use of a contact centre. To ensure consistency, the inspectorate should be able to provide emergency authorisation if necessary.

9. Do you think the proposed arrangements to help ensure compliance with existing duties under the 2010 Act in relation to disabled access at child contact centres are adequate?

Yes ✓

10. These are the key areas we consider staff and volunteers in child contact centres working with children and families should be trained in under the

proposed standards (other than staff or volunteers carrying out administrative or maintenance roles). Please rate each on whether you feel it should be: Required for all staff (except those in administrative roles), Desirable for some staff to complete, but not required for all staff, or Not required for any staff to complete.

Child protection **Required all staff including in administrative roles**

Understanding domestic abuse, particularly the dynamic of coercive control
Required

Understanding the ways adults can influence a child
Desirable for some staff to complete, but not required for all staff

Working with families in conflict
Required all staff including in administrative roles

Responding to children's needs and behaviour
Required

Child development, including learning disabilities and developmental disorders
Desirable for some staff to complete, but not required for all staff

Risk assessments **Desirable**

Parental mental health **Desirable**

Drug and alcohol misuse **Desirable**

Awareness of other services that are available for children and young people
Required

Proficient recording of contact **Desirable***

Reporting on contact **Desirable***

Observing supervised contact **Desirable***

Complaints handling **Required for all staff including in administrative roles**

Do you have any further comments regarding your selections?

Courts order contact via a contact centre because, at that point, they are not satisfied that unsupported contact is in the child's best interests. This can be for a

range of reasons. The centre should only be provided with sufficient information to enable the safe use of the centre.

There needs to be a minimum standard of training for all staff and volunteers, covering those areas indicated as required. Given the prevalence of volunteer staffing within the sector, it would be disproportionate to expect all volunteers to have an in-depth knowledge of all the areas indicated. However, services need to be managed in a way that staff or volunteers with training in all desirable areas are available, to ensure a safe environment for children and young people using the contact centre.

In 2013, our office commissioned research by Dr Kirsteen Mackay on children's experiences of court ordered contact via contact centres. Dr Mackay found that a high proportion (38%) of court ordered contact in her study took place in contact centres, that 2/3 of those children were under four years of age and that around 3/4 of referrals included allegations of domestic abuse (<https://cypcs.org.uk/wp-content/uploads/2020/02/child-contact-centres-views-of-children-and-domestic-abuse.pdf>).

Dr Mackay's research highlights the importance of ensuring that staff and volunteers at contact centres receiving adequate minimum training and, in particular, supporting an understanding of domestic abuse.

The expectations, roles and responsibilities of those working or volunteering in contact centres must be made very clear. They are facilitators to enable a child's rights to maintain contact with family members with whom they do not live to be fulfilled. This includes children and families' human rights to privacy which means that records management, data processing and confidentiality agreements must be in place and be consent based for everyone using the centre. They are not employed in a professional capacity and it is therefore inappropriate for them to make judgements on quality of contact visits, relationships or a child's best interests.

We would suggest that an understanding of children's rights is essential for all those involved in contact centres.

* Recording, reporting and supervision of contact would require the individuals employed in the Centre to be suitably qualified, trained and monitored in fulfilment of these duties. The primary purpose of contact centres is to provide a safe and comfortable space for children to exercise their rights to family life and maintain contact and personal relationships with family members they do not live with. The facilitation of contact is not the same as supervising, recording and reporting and if contact centres are to be used for this then there must be greater minimum standards and duties about who is authorised and sufficiently skilled to do this. The duty of care for the child rests with those with parental rights and responsibilities, in the same way as using a public or private facility.

11. These are the areas we consider that it may be desirable for certain staff at the child contact centre to have training in depending on their role, but

wouldn't necessarily be required as minimum standards under the regulations. Please rate each area on whether you feel it should be: Required for all staff as a minimum standard (except those in administrative roles), Desirable for some staff to complete, but not required for all staff, or Not required for any staff to complete.

| | |
|---|------------------|
| An introduction to trauma | Desirable |
| Adverse childhood experiences | Desirable |
| Positive transitions | Desirable |
| Attachment theory in child development | Desirable |
| Brain development | Desirable |
| Working with families where English is not their first language | Required |

Do you have any further comments regarding your selections?

See answer to 10 above.

12. These are the areas we would not plan to lay down as minimum standards under the regulations, but we would expect providers to ensure that members of staff have an awareness and understanding. For each area please indicate whether you Agree or Disagree with the proposed approach or if you Don't Know.

| | |
|--|-----------------|
| Health and safety | Disagree |
| Equality and diversity | Disagree |
| Confidentiality/data protection/disclosure of information | Disagree |
| Anti-harassment | Disagree |
| Anti-bullying | Disagree |
| Medication and nutrition | Agree |
| Disciplinary/whistleblowing | Disagree |
| Practicalities of child contact centre management/admissions | Disagree |

All of these areas would be considered a minimum requirement of providing services to children and young people, or indeed working with employees and volunteers. We would expect any provider to demonstrate that they had policies in place complying with their legal obligations in these areas.

13. Are there any other areas that should be considered for child contact centre staff training standards?

Yes ✓

In light of the imminent incorporation of the UNCRC into Scots law, training should include an awareness of the human rights of children and young people.

As highlighted in answer 10 above, it is essential that anyone involved in supervising, recording or reporting on what happens during contact visits must be suitably, trained qualified and meet minimum standards of knowledge and expertise and be regulated in a similar way to safeguarders/ child welfare reporters/ childminders etc...

14. Do you agree/disagree with the proposed process for monitoring of training requirements?

We do not have a position on this.

15. Do you agree/disagree with the proposed process for raising complaints against a child contact service?

We do not have a position on this.

16. Do you agree/disagree with the proposed process for raising complaints against individual members of staff and volunteers?

We do not have a position on this.

17. Do you have any suggestions on how guidance on complaints procedures should be made accessible to children using child contact centre services?

Guidance should be co-created with children and young people and, as part of this process, the best ways to make this available to them should be explored. It should not be assumed that all children and young people have access to websites, or that they use the internet in the same way as adults.

18. Do you agree/disagree with the proposed process for a child contact centre raising complaints against the regulatory body?

We do not have a position on this.

19. Should the right to appeal by a child contact centre of a decision made by the regulatory body be to the sheriff court?

We do not have a position on this.

20. As we continue to develop these policy proposals and work to understand their potential impact, do you have any comments about, or evidence relevant to, any of the following:

Draft Business and Regulatory Impact Assessment

Draft Child's Rights and Wellbeing Impact Assessment

Draft Data Protection Impact Assessment

Draft Equality Impact Assessment

Draft Fairer Scotland Duty Assessment

Draft Island Communities Impact Assessment

No comments made.

21. Do you have any further comments?

Yes

This consultation response has been limited to the questions raised in the consultation. For a full analysis of the human rights implications of these proposals, please refer to our evidence to parliament during the passage of the Children (Scotland) Act 2020 (<https://cypcs.org.uk/get-help/i-work-to-change-things/our-policy-work/evidence-submission-justice-committee-call-for-views-on-the-children-scotland-bill/>)

We are concerned that the functions, scope and remit of contact centres continue to be unclear and that the practice in some areas may be that individuals within centres are providing reports to Courts containing opinions on individual children's personal circumstances or best interests. Supervised contact reports must only contain factual evidence of what the supervisor witnessed during the contact visits and not subjective views on any perceived *'impact of domestic abuse particularly the dynamic of coercive control ... how an adult can influence a child, parental mental health, drug and alcohol misuse'*. Registration of contact centres provides a useful opportunity to clarify this. Training must be directed to their suitability to supervise children and minimum standards established to ensure consistent national compliance with legal duties. Where a more detailed assessment of contact is required, it may be appropriate to appoint a Child Welfare Reporter.

For further information, please contact Megan Farr, Policy Officer at megan.farr@cypcs.org.uk or 07803 874 774