



## Children 1st response to Bairns' Hoose (Scottish Barnahus) draft standards

Children 1st is Scotland's national children's charity. We have over 135 years of experience of working alongside families to prevent problems from escalating to the point of crisis; to protect children from harm; and to help children and families to recover from the trauma associated with childhood adversity by providing relationship-based practical, financial and emotional support.

Children 1st response to this consultation is informed by our experience of working alongside child victims and witnesses and survivors of abuse and harm. We are working with our partners Victim Support Scotland, University of Edinburgh and Children England (with funding from the People's Postcode Lottery) to establish Scotland's first Bairns Hoose in North Strathclyde through a test, learn and develop approach, which will be operational in 2023.

Our Children 1st response brings together our work across services, participation work involving [Children 1st Changemakers](#), creative workshops involving over 70 children and family members across Scotland and our [Sharing Stories for Change](#) work. It draws on our experience and insight from our Delivering the Vision strategic group on Bairns Hoose, membership of the European Promise Network and partnership work in undertaking an evaluation of the first Bairns Hoose with the University of Edinburgh. We have also provided extensive evidence to the development group to support the Standards process.

Strangers and silent halls  
Need to get my feelings out in a place that feels like home  
I don't want to be alone just want to paint the pictures on the wall  
When I scream do you listen?  
I didn't come to lie  
Open your mind

Lyrics created by 10-year-old, Sophie on her experience of giving evidence to Court via a Vulnerable Witness Suite

## General Comments: Why children need a Bairns' Hoose

*'The system at the moment is terrible'* (Changemaker young person, aged 17)

I think if it was to be child friendly, the sort of police officers that interviewed [my daughter] would be in abundance. When they made that initial statement, they would use that in the courtroom rather than the child. I don't think it's fair to put a child in that situation. I think they should have a voice, but I don't think anyone should tear them to shreds. I think whether we like to believe it or not, a lawyer is a lawyer. Whether you're a ten-year-old child or a forty-year-old man, if they want to prove that you're lying, they will use any means possible, won't they? It's not fair. **So, a child-friendly would be that when you make that statement, that's the end of it for you. You would have support as well.** I don't think anybody has the right, especially not for children who have already been in some way systemically abused and told that they are lying to then be told I'm not too sure if you are telling the truth as it takes such a lot of courage to tell your story.

Mum (Children 1st, Sharing Stories for Change, 2021)

The importance of Bairns' Hoose is clearly shared by all the children, young people and families we have spoken to over many years who have directly experienced the impact of the current care, protection and justice system. It often involved retelling their story many times, to different professionals and in different places. We have regularly heard from young people that the justice system itself can cause more harm than the abuse, and for some young people self-harming is a consequence of being a victim or witness in justice proceedings. Children 1st advocate for transformational change to ensure children and their families can be respected and supported at all stages and that their rights are upheld, and they can recover from hurt and harm with dignity and respect.

*The Changemakers all agreed it is very important as they feel the current system does not put children's perspectives or rights at the centre.*

What is remarkable is that children, young people and families' own experiences and ideas for change in the current system are now being echoed in key national agendas, which include full and direct incorporation of UNCRC, the work of The Promise in transforming care for children and young people in Scotland, improving forensic medical examinations and reforms for vulnerable witnesses. Whilst Children 1st has welcomed the incremental improvements in the way the justice system treats vulnerable witnesses, it remains a system that is designed for adults. The Scottish Courts and Tribunal Service Evidence and Procedure Review published in 2015 found,

*"The best way to secure reliable evidence from a child or other vulnerable witness, in a manner that minimises any further harm to them, is to **remove them as far as possible from the traditional styles of questioning and cross-examination. It is not merely a case of adapting the system we have, but of constructing a new approach, based on the wealth of scientific and experiential evidence available.** In that context, there is a compelling case that the approach taken in Norway provides the most appropriate environment and procedures for taking the evidence of young or vulnerable witness. **In terms of the environment, not only is the Barnahus a custom designed facility, away from the Court building, with high quality facilities in every aspect, it is also a one-stop shop for the child's needs in the longer term, with immediate access to medical, child protection and welfare services.** As for the procedures, most child witnesses will undergo just one forensic*

*interview, with a fully trained interviewer, no more than a few weeks after the incident has been reported, and often within a fortnight.”<sup>1</sup>*

Children 1st strongly advocates for the establishment of the Barnahus model. The views and experiences of children and families who we support are essential in developing a national Barnahus model and already the importance of feeling heard, respected and support by professionals ‘under one roof’ has been demonstrated. The process of developing the Bairns Hoose Standards has shown the scale of transformational change needed to ensure children really are at the centre.

## **Children 1st’s Key Messages**

### **1. Lack of clarity in the aims and purpose of a Bairns’ Hoose (Barnahus)**

The new national Bairns’ Hoose Standards must clearly explain what the aims of a Barnahus are and who should be included in the Bairns’ Hoose. We have always strongly advocated for the use of the European Promise Network’s [Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence](#), which all countries establishing a Barnahus use for the Standards to aspire to. Barnahus is described as:

The Barnahus model embraces a multidisciplinary and interagency approach, ensuring collaboration between different agencies (judicial, social, medical) in one child-friendly premise, which offers comprehensive services for the child and family under one roof. The core of the Barnahus model is the assumption that the child’s disclosure is key both to identify and investigate child abuse for criminal and for protective and therapeutic purposes. (Barnahus Quality Standards, 2017, pg.6)

As it stands, we do not believe that the Standards currently describe a Bairns’ Hoose as one co-located service ‘under one roof’ for children and their families. We remain concerned that fundamental characteristics of the Barnahus model using the four key rooms (justice, child protection, physical health and mental wellbeing/recovery support) are still missing in the final draft. All the Standards must be understood from a coherent explanation of a Barnahus in the introduction. This is likely to cause confusion amongst those individuals and organisations reading the consultation document and risks damaging the credibility of the Standards as an important part of the Scottish Government’s commitment to ensuring children have access to Bairns’ Hoose by 2025.

In terms of the first section of the Guidance, there is no Introduction to the purpose of the Standards that can help to guide a reader in how to use the document (pg.6). The [Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence](#), states: **“The key purpose of the standards is to provide a common operational and organisational framework that promotes practice which prevents (re)traumatisation and complies with children’s right to protection, assistance and child-friendly justice, while securing valid testimonies for Court”** (2017, pg.9). We would like a statement like this included.

The current description of the ‘European Barnahus model’ (pg.6) does not include what the key aims of the Barnahus are:

1. To ensure that children and young people who have been victims and witnesses of abuse or violence receive appropriate assessment, treatment

---

<sup>1</sup> SCTS (2015) [Evidence and Procedure Review Report](#), pg.37

and support from the moment they disclose abuse, or abuse is suspected or alleged.

2. To avoid subjecting children to multiple interviews by different agencies in different locations.
3. To ensure high-quality evidence is collected to inform both legal and protective measures.

Without this underpinning the Standards, there continues to be a significant challenge. We can reshare our suggested text which included: 'A Barnahus provides a child-friendly environment for an investigative interview which reduces the level of anxiety of the child, which in turn is crucial for securing the best evidence from the child. A key aim of the Barnahus is to help produce valid evidence for judicial proceedings by eliciting the child's disclosure in a way that means the child does not have to appear in court, should the case be prosecuted. This reduces the risk of the child experiencing further trauma and enables them to start recovering from their experiences from the point of disclosure.' Furthermore, Scotland have extended the provision of Bairns Hoose to include children under the age of criminal responsibility who may have caused serious physical or sexual harm and therefore, there needs to be appropriate assessment, treatment and support provided.

There is no clear section on the legal framework under which a Bairns Hoose model would operate. There is key Scots law that should be referenced, as well as appropriate international treaties and the Scottish Parliament commitment to alignment with EU law which is especially relevant for child-friendly justice.

## **2. Justice**

The standards should make it clear that it is fundamental to the success of the Bairns' Hoose that child victims and witnesses access their justice journey via the Bairns Hoose and only need to go elsewhere to speak to the evidence in the most exceptional circumstances. Our belief is that Standards must be aspirational and visionary for Scotland's children as discussed during the Standard Development group meetings. There continues to be significant caveats and an over reliance on the process for special measures for child victims and witnesses as it is currently applied. There is no stated ambition to minimise the frequency of children having to attend court in person. Whilst we recognise that due process must be followed for application and approval of special measures, the Standards should state that the aspiration of Bairns' Hoose is to enable all child victims and witnesses to receive non-traumatising child friendly justice that enables them to complete their justice journey using remote facilities into whichever legal process their case progresses. We recognise there is some progress; however, it is our extensive knowledge and experience that current implementation of special measures for children in court proceedings are still in court buildings and for many involve adversarial cross-examination. If standards ensure that all Bairns' Hoose have the provision of remote link into court and children's hearings, this will negate the need for child victims and witnesses to routinely have to attend justice processes out with the Bairns' Hoose. We are concerned that the hope that evidence that is gathered in a Bairns' Hoose will be used for court proceedings may not be realised unless explicitly stated.

We provide more detail on this in our response to the Specific Standard 7.

### **3. Children under the Age of Criminal Responsibility who may have caused significant harm or abuse (pg.12)**

The Scottish Government vision includes 'all children under ACR whose behaviour has caused significant harm or abuse'. This in an investigatory process and this should read \*may have\* as interviews and evidence gathering explore whether serious physical and sexual harm has taken place. If there is a circumstance where the child's behaviour is not disputed, the necessity test would not be met by police; Sexually Harmful Behaviour Interagency Referral Discussion or Sheriff i.e. it is not necessary for any investigation, including interview; medical samples or other physical data. The child would be referred to Social Work/SCRA and if there was information or concerns that the child met the criteria for Child Protection then those proceedings would commence.

We are concerned there is some confusion in the language. The Age of Criminal Responsibility (Scotland) Act 2019, s. 59 (2), is quite clear that the child is under the age of twelve and the constable has reasonable grounds to suspect:

- by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or
- by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person

We think it would be helpful for clarity to include the accurate wording from the legislation.

There has been considerable work on recent legislative change on the age of criminal responsibility. The [Age of Criminal Responsibility \(Scotland\) Act 2019 Operational guidance for Social Work and Police](#) (Dec 2021) is a key document setting out the investigation process and the different people who are involved. There should be reference to -

- [Age of Criminal Responsibility \(Scotland\) Act 2019 – Statutory Guidance on Investigative Interviews](#)
- [Age of Criminal Responsibility Act \(Scotland\) Act 2019 – Statutory Guidance on the use of a Place of Safety](#)
- [Age of Criminal Responsibility Act \(Scotland\) Act 2019 – Child Interview Rights Practitioner Code of Practice](#)

We are fully committed to upholding the rights of all children. There does need to be clarity in the Standards though that the legislation and pathways for children under ACR legislation is very detailed and specific. There is very little in the current Standards that recognises this. For example, the role of a Child Interview Rights Practitioner that is not a role currently used in the Scottish Child Interview model. This will cause lots of challenges for multi-agency responses. Therefore, we continue to believe it would be helpful to have bespoke Standards and information for children and families in these circumstances. They will be very small in number but their legal rights in the process are different.

## The Health Improvement Scotland and Care Inspectorate Consultation – Our detailed response

### Section 1 – feedback on the children’s version of the draft standards

1. The Bairns’ Hoose standards put children first and describe how they will be listened to and supported. Do you agree?

- Completely agree
- Kind of agree
- Neither agree or disagree
- X Kind of disagree
- Completely disagree
- Don't know

Please tell us why you think this.

Just because we're children, doesn't mean we don't have strong feelings and don't understand things.

Girl, aged 8 (Children 1st, Sharing Stories for Change, 2021)

Children 1st have listened and supported children who have experienced all forms of abuse and violence across Scotland since 1884. It is through listening to children that we know how much work is needed to transform our justice system in Scotland. Children 1st exists to deliver services and to listen to children to ensure their rights and needs are at the heart of social policy and service design. Listening to the children we support in the aftermath of trauma, child protection and court process led us to campaign for change toward a more trauma informed system which puts the child’s needs at the centre.

Our key messages

1. We do not believe these Bairns Hoose standards in their current form deliver the transformational change children have been asking for over many years.
2. These Standards are not the ‘blueprint’ in setting the Standard for the Bairns Hoose (Barnahus model) for children and families across Scotland. There are too many caveats and ‘where practical to do so’ statements throughout the document that means there is a high likelihood that children will not be put first, instead we will find minor adaptations to current systems, with their own constraints, will continue to be the reality.
3. The language within the standards fails to make clear that children’s rights and needs should be at the centre of the Bairns Hoose in how it will be delivered.
4. Even with the incremental progress in legislation for vulnerable witnesses and increased awareness of trauma, children and families have repeatedly told us that the justice system is retraumatising. These standards have not listened to this fundamental and crucial issue and still have an ‘access to court’ Standard.

Our Children 1st Changemakers group have worked incredibly hard in a tight timeframe to try and inform the development of the Standards. They produce a video to be able to share their views with the group ([Changemakers, Children 1st](#)). They also designed their own avatars so that their own privacy and anonymity was fully respected in the process. They felt the design of the 'children's version' was not child-friendly, too long and hard to navigate. They said they were unlikely to read it and would prefer a video. In our commitment to #Keep the Promise we need to ensure language is meaningful and accessible.

This is the feedback on the Children's version from the Changemakers:

- The design, language and layout is geared towards adults and professionals, not children.
- They do not feel the document is child-friendly enough and does not read well from a child's perspective.
- They explained that they could not see past the design of the standards as they felt it was difficult to read and navigate through the document.
- They feel in its current format a child or young person would not read the document and suggested a video would be more suitable.
- They really liked the front page, they explained that they particularly like the colours, and the gradient of the colours. They thought it looked 'chilled', 'flowy', 'blended' and 'mesmerising'. They liked the graphics as they look like a child might have drawn them. They noticed they look pixelated, so suggested the quality could be improved. They thought a graphic of a house might be a nice touch. They felt the text could be softer as it looks quite formal.
- 'About these standards' page needed huge improvements. "It is too long", and needs to be more accessible

This children's version of the Standards is for child victims and witnesses, as well as children under the age of twelve who may have caused serious physical or sexual harm. We are reflective on whether these Standards would fully meet the needs of a child under the age of twelve who may have caused serious physical or sexual harm (see our General comments response).

It is important to note that we do not have the views to share from children under the age of twelve who may have caused serious physical or sexual harm in our response. Given there are a very small number of children in Scotland that will fall under this category and the newness of implementation of the ACR legislation, it is unlikely that any of the participation work has included children with this experience. Others may have included children who have experience of being interviewed by the police either over the age of twelve or for minor misdemeanour, rather than for serious physical and/or sexual harm.

**2. The Bairns' Hoose standards describe a way of doing things where children don't have to re-tell their story to lots of different people. Do you agree?**

- Completely agree  
Kind of agree
- Neither agree or disagree
- X  Kind of disagree
- Completely disagree
- Don't know

Please tell us why you think this.

It was terrible, absolutely terrible, and knowing that I'm leaving her there to give evidence even via video link. Her dad would see her and I wouldn't. And people in the court cross examining her when she's ten and vulnerable, fair enough it's from a video link but she's given her evidence. To be fair, in my opinion, the fact that she's given her evidence, I think that should be enough rather than cross-examining a wee ten-year-old.

Mum (Children 1st, Sharing Stories for Change, 2021)

**Children 1st do not believe the standards will reduce the number of times children have to retell their stories. One of the big areas of concern is that children may still have to go to court after long delays and health services are not provided in the house. Children 1st believe the language is too permissive and will lead to inconsistency of approach based on local willingness and capacity issues.**

One of the areas to strengthen is that the Justice Standard 7 suggests that children are still giving evidence in court which involves retelling their story in a different place. The aspiration of Barnahus is that children do not have to go to different places to retell and there is no undue delay. In our experience for children, there is a delay often of around two years for a court case to come to trial. Children in adult courts is not trauma-informed, even with 'special measures' and neither are delays to giving evidence. There are many examples throughout the standards of 'unless it is not possible' to be at a Bairns Hoose, locally without a desire for transformational change 'it is not possible'.

The children's health standard starts with 'anywhere I go for medical examinations will be bright and comforting' (pg. 12). This is lacking in aspiration as Bairns Hoose should be 'under one roof' for medical examinations, with exceptions for urgent or complicated cases requiring special interventions in a hospital setting. Our fundamental concern is that for children we are not actually making the changes they need because often "it is not possible". **Whilst we recognise that we need to make progress towards the Standards, we feel that they are being set at a very low bar. We are concerned that we are describing the system 'as is' here and not putting child victims and witnesses at the centre.**

Standard 6: Interviews in the Bairns Hoose I am supported to tell the police and social work what happened. My interview will be videoed, unless I don't want it, so that I don't have to repeat myself as much

Children 1st are concerned that this standard is unclear and may lead to confusion around the choices available to children and young people. This should be made much clearer as the language is difficult to follow and could encourage children to make the choice not to have their interview recorded without fully understanding the potential consequences. Our preference would be to change to, My interview will be video recorded to keep to a minimum the numbers of times I need to repeat my story. If I do not want my interview video recorded, my wishes and options will be discussed with me. The Evidence and Procedure Review was clear that high-quality video recorded evidence can be used in court processes to prevent children having to go to court.

We agree with the following context in the Standard, hence are concerned that the above statement for children could have traumatic implications if not understood:

The European guidelines on child-friendly justice, underpinned by the UNCRC, highlight that justice processes should be adapted to the specific needs of children.



**Audio or visual recording of interviews should be used where possible to avoid repeat interviewing which may affect recall and cause additional trauma.**

Interviews should be carried out according to evidence-based practice and protocols. All interviews should be planned, supportive and undertaken by trained practitioners. The minimum amount number of interviews should be undertaken.

Children1st would strongly suggest that the Standards state that the Scottish Child Interview Model of evidence-based practice is used as a preference, where this is available, and if this is not (as the national model is not yet fully rolled out), other evidence-based protocols should be followed for video recorded interview. This is because the Scottish Child Interview model has been developed to ensure highest possible quality of recording, to meet the aim that where at all possible, the video will be used in court, so child doesn't have to attend and speak to Evidence in chief.

Therefore, the statement "Your interview will be recorded unless you don't want it to be. The recording of the interview might be used in court instead of you giving evidence in person" (pg.39) is misleading as children may think it's a choice without consequences. The preference from a rights-based, trauma informed approach is that the recording is used in court so that children do not have to attend in person. We continue to know, even if special measures are adequately used, that is still a very distressing experience. We want Bairns Hoose Standards to be ambitious for children so that the recording is used in court where at all possible – so this becomes our de facto position for children across Scotland.

3. The Bairns' Hoose standards describe a place that children would find welcoming. Do you agree?

- Completely agree  
X  Kind of agree  
 Neither agree or disagree  
 Kind of disagree  
 Completely disagree  
 Don't know

Please tell us why you think this.

'It should feel like sunshine and not feel like rain as you walk through the front door'.

(Young person, Creative Workshop)

When I had to talk to the police about my dad, I was taken away to a police station away from home and had to talk to two people in a small room with a camera. I wasn't allowed my mum or anyone I trusted. I felt really scared.

Girl, aged 12 (Children 1st, Sharing Stories for Change, 2021)

**Key messages**

- Bairns Hoose is one physical building where children are welcomed to a safe, trauma-informed space where their needs are met, and rights are upheld.
- Children and families are involved in the design of the Bairns Hoose with considerations of the range of physical, emotional and practical needs of children
- Bairns Hoose must be a safe space for children and their families

- Children need a welcoming space to be able to give evidence and this requires a remote link to court

How the Bairns Hoose looks, and feels is a key area for discussion with all the children and families we have consulted with, and often is in contrast to their experiences of being interviewed at police stations, institutional buildings and giving evidence at court. Children and families have shared lots of their ideas for how the Bairns Hoose should be designed to take account of how hard it is to communicate about hurt and harm.

It is very positive to see these reflected in the children's version where there are comfortable, well cared for spaces with appropriate toys and activities whilst waiting or during breaks. The Changemakers felt it describes a Bairns' Hoose and feel it 'sounds relaxing', 'comfortable' and 'practical'. Even it was highlighted there should be a welcoming front door and entrance. Children and families suggested the use of comfortable seating and sensory seating such as rocking chairs; sensory items such as fidget toys, blankets, cuddly toys and puppets; calm lighting and colours; space to play and be creative. Also, a source of comfort was a family member or support person through the process.

The importance of an outdoor space for children and having 'fresh air' is fully recognised. The children and young people have suggested the following: It is important to play outside as it 'helps balance big feelings' and 'helps to calm you down' and 'being around colourful flowers and watching them attract wildlife is peaceful'. Children and young people have explained that having the opportunity to get outside and have breaks to play or sit calmly in a garden space would be important to help reduce stress and anxiety.

One area missing is the Changemakers felt that it should be clear in the standards that young people should have access to food and drinks during their time in the Bairns Hoose. This is something they fed back earlier into the process but noticed it has not been represented in the Standards.

### Respectful safe spaces

The Standard 4: Design and Environment in the children's version highlights the importance of how the space should feel and to be respectful for different age groups and fully accessible. There were specific considerations from our participation work to ensure the privacy of children was respected, especially in the health room; and staff were aware of high levels of anxiety so soothing/sensory toys were available, noise cancelling headphones, for example. Communication aids should be provided with hearing aid loops and braille. The physical space should all be fully accessible for wheelchair users and those with mobility needs. The planning of Bairns Hoose should involve children in the design (as we are doing in the Children 1st partnership). This might mean that 'every Bairns hoose should feel the same no matter which one you go to' could be difficult if there is meaningful involvement in service design. However, we imagine the importance of trauma-sensitive design approaches and key 'rooms' in the house include designated spaces.

In Children 1st we know that a safe space is incredibly important after children have experienced violence. One of the key messages from children we spoke to was that there wouldn't be a risk of seeing anyone who had hurt them. This is clearly retraumatising and why special measures should be used in court processes. This is a sensitive area to raise but there would be some consequences when the age of criminal responsibility is raised higher than twelve for what might happen if a child who may have caused serious physical or sexual harm was being interviewed, assessed, and supported in the Bairns Hoose. In our recovery work, this would be most likely to be in cases of sexual assault and rape. We think there would be a lot to consider in relation to gender-based violence that we are seeing in our recovery work with children and young people. Therefore, the design of 'separate spaces

for children who have harmed others' may be possible for the very small number of under twelve-year-olds who may have caused serious physical or sexual harm to another person but would still need great sensitivity and awareness for the children and families involved (we believe less than five interviews in the whole of Scotland have been undertaken so far under the ACR legislation, so it is fairly rare). However, this number would increase significantly when the Age of Criminal Responsibility is raised. In which case, the Standards would need to be revisited.

There should be the provision of a remote link to a court space. This is an important space for children who are required to give evidence remotely. There are design requirements as specified by Scottish Courts and Tribunals service, as well as procedural requirements. There is also a lack of consideration of interaction with the Children's Hearing System. If the Standards are a 'blueprint' for how Bairns Hoose is implemented as stated in the Ministerial foreword, then there needs to be detail on this.

There is a statement that "I have to travel to as few places as possible". The aspiration for Barnahus is that all the professionals come to the child 'under one roof'. The idea that we have to travel to lots of different places is what we are trying to avoid. Whilst we recognise it is necessary in some circumstances, having this as a Standard will mean that local areas may interpret this as not needing to change their local current provision.

4. The Bairns' Hoose standards describe what a well-run Bairn's Hoose would look like. Do you agree?

- Completely agree
- Kind of agree
- Neither agree or disagree
- X  Kind of disagree
- Completely disagree
- Don't know

Please tell us why you think this.

**No. There is a lack of clarity in the guidance about what the aims and purpose of a Bairns House are. Therefore, there is a lack of understanding of the level of involvement of justice and health in the running of a Bairns Hoose. It is difficult to know if children will see the service as 'well-run' if key parts of what should be a Bairns Hoose service are not there.**

Standard 5 explains what it means for children to have the Bairns Hoose service where they are safe and supported, with all aspects explained to them. There is a recognition that "police, social work and health professionals will work together to help you". It is of course more than this. In our experience and due to our recovery work, there doesn't seem to be acknowledgement of the role of the third sector in providing support. Some families will work with Children 1st and other charities who provide support at times of great challenge, because we are viewed differently from statutory agencies. Therefore, given the extent that we are working with families in recovery stages, it's an oversight not to include this and we have raised this at the Development group. We would also highlight in the international evidence that recovery is the most likely area to be overlooked in the planning and delivery, yet often the most important area for children and families. The University of Edinburgh evaluation report on establishing a Barnahus model in Scotland highlights that whole family

recovery support is the only part of the current 'system as is' without long term public funding, in contrast to justice, health and social work. The NSPCC Right to Recovery work highlights that lack of provision and the 'postcode lottery' for any recovery services for children who have been sexually abused; worrying the follow up report found a decline of services due to the precarious funding situation.

After reviewing the children's draft standards, the Changemakers group agreed that staff training is 'really important' and this has been a continuously mentioned throughout their time working on the standards. They feel there should be further mention of children and young people's additional needs, such as homelessness and the pressures that this could put on them and their families. They feel the standards need to reiterate the message of having a support person present and that it is child centred.

**5. Is there anything in the standards that you would change?**

Yes. There are parts of the children's version that are confusing and contradictory. This reflects the professional standards document that has significant gaps and requires additional work. The Ministerial foreword states that,

"The Standards will provide a blueprint for delivery and support consistent national implementation of Bairns' Hoose which will be driven by the National Bairns' Hoose Governance Group."

We do not think the current Standards provide the blueprint for implementing a Bairns Hoose for Scotland.

As one ten-year-old shared with us about her experience of going to court: ["Try to be brave... I would like more protecting"](#). We want to make sure that National Bairns Hoose Standards are setting the highest standard so children can be heard, respected, and supported to recover from violence and are not retraumatised by court.

When we asked our Changemakers group what they would change, they also highlighted there needs to be a focus on 'keeping promises' as they feel it needs to be stronger, so this message is clear.

**6. How important is it that Bairns' Hoose happens?**

X 5 - Very important or essential

Our detailed views on why Bairns' Hoose is important are at the start of the document.

**Standard 1: Key principles and the rights of the child**

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- X  Kind of disagree
- Completely disagree

Don't know

Please provide us with your feedback on the standard in the box below.

Children 1st are concerned that the Scottish Standards have significantly diluted the three key principles that are clearly set out in the European Barnahus Quality Standards:

- Ensuring the best interests of the child are placed at the centre of practice and decision-making
- The children's rights to be heard are fulfilled without causing re-traumatisation, including with the provision of information at all times
- Ensuring that protection, assistance and justice processes are undertaken **in a timely way**

The Scottish Standards do not have the clarity and detail of the European Quality Standard which is surprising and could be rectified. In the current Scottish standard one, there is only one sentence in relation to this final point – 'The Bairns Hoose partnership makes decision and provides information about decisions in a timely manner to reduce undue delay.' This is not sufficient as in the European Quality Standards it is absolutely core. Furthermore, in the Scottish Standards the partnership only 'consults with appropriate organisations such as the Crown and Procurator Fiscal Service (COPFS), Scottish Courts and Tribunals Service and the Scottish Children's Reporter Administration (SCRA). It is these powerful agencies in the justice journeys for children that decide on the timeframes and our experience is children currently face considerable delays (for example, a number of years for a court case).

A key practical example of meeting the Standards on avoiding undue delay should include:

- Data collected and monitoring on time scales and overall performance to avoid undue delay. There should be specific monitoring on the time between disclosure/reported suspicion and IRD; then time between IRD and Interview; time between Interview and Medical examinations; interview and therapeutic support; time between initial criminal investigation and decision to prosecute; time between criminal investigation and trial
- Evidence of measures taken to systematically ensure timely case progression; in circumstances where required that cross examination to be undertaken by Evidence on Commission hearing, time between a case between sent to COPFS and Evidence on Commission hearing taking place
- Consultation to prepare for interviews (IRD) to avoid delay
- Bairns Hoose staff are available during interviews in crisis response is required; follow up meetings directly after to ensure everyone is clear about the next steps and responsibilities; checklists to ensure nothing is missed; assessments of need take place without delay

We welcome the recognition on upholding the rights of the child (UNCRC) in the Bairns Hoose. There is some good content in Standard one on the right to information and the rights of children with a range of communication styles. This is good and potentially these are key activities to undertake in the planning and development of a Bairns Hoose which should involve the participation of children and families.

There is limited information on how best interests of the child will be understood and developed in practice. For example, in the European Standards there are indicators of clear frameworks of multidisciplinary teams assessing and determining the best interests of the child; staff are clear about respective roles; specific training on best interests is evidence; as part of assessments best interests in relation to care, protection, health, education are all

balanced. Best interests are determined without undue delay, based on facts and informed by the child and family.

We are concerned that the Standards do not put children first. For example, we have asked for the inclusion of ‘unless in exceptional circumstance, the child will be supported to complete the justice process from the remote justice space within the house, thereby maximising special measures to ensure potential for child victim or witness to be retraumatised is minimised.’

## Standard 2: Collaborative leadership and governance

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- X  Kind of agree
- Neither agree or disagree
- Kind of disagree
- Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

“Anyone can say they are listening, but the next step is to take it seriously.”

(Children 1st Changemakers)

This Standard recognises the importance of leadership and collaboration. There are clear examples already of the multidisciplinary approach, as a recent Joint Inspection report (2022) for East Renfrewshire highlighted:

The inclusion of East Renfrewshire in the North Strathclyde Partnership, and their developments in relation to the Scottish child interview model (SCIM) approach were ensuring coordinated protective responses to children and young people. Progress was being made towards the vision of a Child’s House for Healing (Bairn’s Hoose) in East Renfrewshire. This development was bringing together child protection and justice services into one place. Two premises had been secured in East Renfrewshire for development of the first Bairn’s Hoose in Scotland. We considered the multiple strands to the approach and the co-location to be extremely helpful. Children and young people benefitted from the trauma and recovery approach adopted by the joint investigative interview pilot and were able to tell what had happened to them. This was reflected in the initial evaluation from the Crown Office and Scottish Children’s Reporter Administration. While numbers were low, **all information from the joint investigative interviews was deemed able to be used as Evidence in Chief with no inadmissible material identified. This was reducing the possibility of the child experiencing the trauma of giving evidence in a formal court environment.**

This demonstrates what can be achieved with strategic and operational groups committed to transforming the experiences of children. It also highlights the benefits of co-location of professionals (in relation to the North Strathclyde Child Interview team). This requires a high

level of committed leadership to forge ways of working together in the best interests of children.

It is difficult in the current Standard 2 to understand what leadership is being proposed as it seems to overlook the collaborative leadership and governance that exists in local areas. We think it would be helpful to begin with: The fundamental purpose of a Bairns Hoose is to provide an inter-agency operational and organisational framework that promotes practice which prevents (re) traumatisation and complies with children's rights to protection, assistance and child friendly legal proceedings, while securing samples or other evidence that withstand scrutiny and/or accurate statements for any future legal proceedings. To achieve this strong, devoted leadership, at all levels, is essential.

We don't think this Standard will be a blueprint for how to establish and run a Bairns' Hoose. In the European Standards there are clear sections to support local areas:

- Formal status – Barnahus is formally embedded in the national or local social or child protection services, law enforcement/judicial system or local authorities, including a formal mandate to collaborate with public agencies
- Organisation of multidisciplinary and interagency collaboration which includes clearly established roles, mandates, coordination mechanisms, budget, measures for monitoring and evaluation
- Processes and practice of multidisciplinary interagency collaboration in Barnahus throughout the whole process

The Scottish Standard 2 does have elements of these within it. We are concerned though there is not the clarity required on the pivotal role of Chief Officers, Child Protection Committees, Children's Services Planning Partnerships who have statutory responsibilities. It should be recognised that there will be many children who will not fall within 'child protection'.

In particular in the European Barnahus Quality Standards, develop interagency foundational agreements that are created and committed to by all representative agencies used in the European Standards (and internationally in Child Advocacy Centres). In section 2.6, there is no inclusion of budget which is a key part of the delivery of any new model. In the evidence criteria, there could also be a multi-agency service child protection policy, staff code of conduct, whistle-blowing policy, safety procedures and emergency protocols. We would also advocate for use of Child Rights Impact Assessments, alongside Equality Assessments.

Finally, we are unclear as to why only the independent role of the Lord Advocate as head of the system of investigation and prosecution of crime in Scotland is highlighted in the governance section (pg. 21) compared to Standard 7 where it is the Lord Advocate and the independent role and responsibilities of the police, SCRA, prosecutors and the judiciary that are recognised (pg.42).

### **Standard 3: Inclusive access**

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree  
X Kind of agree  
 Neither agree or disagree

- Kind of disagree
- Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

*'There should be support for young people who are scared'*

*'There should be extra support for practical difficulties, such as transport or additional support needs'*

(Children 1st Changemakers)

**Children 1st are strongly supportive of the inclusive access for children to Bairns' Hoose. There are two elements of this Standard – inclusivity and non-discrimination. All children who are victims or witnesses of crime, involving all forms of violence which we believe is the right approach in Scotland.** Other countries have only focused on child sexual abuse and exploitation with some expansion over the years. In article 19 of the CRC, we recognise the right to a non-violent childhood in all forms which includes physical abuse, sexual abuse, emotional abuse, neglect and domestic abuse.

There will be some limitations in the use of a Bairns' Hoose for babies and very young children, as the evidence-based interview protocol uses development stages for children so pre-verbal children would not be interviewed. There is ongoing work to ensure the new Scottish Child Interview model is as inclusive as possible. There is an important need to ensure Bairns Hoose is accessible for children with a range of communication styles (including using sign language, Makaton, use of interpreters).

There is a commitment that where children live should not be a barrier to accessing a Bairns Hoose. There is considerable learning from other European counties with island and rural communities in how to ensure equitable access. The design and planning of services should include the views of children, young people and families who live in remote areas and have experience of child protection and justice systems. We have gathered the views of some children and families in our rural Children 1st services to ensure we hear their views on what can work. It is fundamental that the aspiration of Bairns' Hoose is worked through and delivered meaningfully to meet the needs of children and their families.

Due to the impact of covid-19 over recent years, the technological systems and due processes now exist to enable the remote connection of parties into legal processes to enable victims and witnesses in rural areas to fully access justice processes from their local area. This is both victim centred and trauma sensitive and has potential to ensure a faster resolution to the journey, with a commitment to cross examination being undertaken by Evidence on commission hearings – where the young person can attend these from the child friendly, remote justice suite in the Bairns Hoose, in their local area, connecting into legal processes across Scotland, as required.

From a trauma-informed perspective, we do not think it would appropriate for children to read 'if you go to a Bairns' Hoose because your behaviour might have caused harm to someone' (pg.26) we understand that this is included to include a child who may be under the age of criminal responsibility and may be interviewed due to suspected harm of another person, but for child victims there can be a huge amount of guilt and shame associated with abuse and they may feel that this applies to them.



We welcome further discussions to consider that a bespoke set of Standards are developed for children who may be investigated, assessed and supported by Bairns Hoose who may have serious harmful behaviour.

We would highlight the potential misinterpretation of the SCRA Backgrounds and outcomes for children 8 - 11-year-olds who have been referred for offending research is stating, 'children under ACR are likely to have experienced or witnessed abuse themselves' (pg.25). Of the 100 children in the sample research, there were 25 children (25%) who are recorded as being victims of abuse. Perhaps it would be more accurate referring to the Expert Group Report 2020 - Harmful Sexual Behaviour by Children and Young People.

The criteria 3.2 'All children who are under ACR are considered for referral to the Bairns' Hoose at an IRD' is problematic. This highlights the lack of understanding of the Age of Criminal Responsibility (Scotland) Act. If the behaviour suspected has not physically seriously harmful or sexually harmful, ie if the child was 12 years or over it would be a minor crime there would be no statutory powers to interview or obtain data or samples. Unless there was any information or concerns the child had been or was being abused or neglected or at risk of significant harm (child protection) there would not be any referral to the Bairns Hoose and the suspected 'concerning behaviour' would be dealt with via existing structures, such as child concern referral to Social Work or education or early and effective intervention. To say 'all children who are under ACR are considered for referral to the Bairns Hoose at an IRD' is therefore inaccurate and 'IRD should be 'Serious Harmful Behaviour IRD'.

#### **Standard 4: Design and environment**

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- X  Kind of disagree
- Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

Children 1st's work across Scotland has demonstrated how important it is to create a place that is welcoming for children. How the Bairns Hoose looks, and feels is a key area for discussion with all the children and families we have consulted with, and often is in contrast to their experiences of being interviewed at police stations, institutional buildings and giving evidence at court. We have already shared in our response to the Children's version the feedback children, young people and families have shared and we particularly valued the views being shared in the [Changemakers video](#) where they specifically talk about this Standard.

The Standard 4: Design and Environment in the children's version highlights the importance of how the space should feel and to be respectful for different age groups and fully accessible. The planning of Bairns Hoose should involve children and families in the design (as we are doing in the Children 1st partnership). This is similarly reflected in the

professionals Standard and covers the importance of involving children and families in the design of the Bairns Hoose.

Changemakers felt it would be important to add in additional information and examples of what is meant by 'They have to think about what works best for the local area when they decide to build it'. They shared that children and young people would not know what this means.

### **A safe and private space**

The Bairns Hoose should not only **feel** safe, but it should also **be a safe space** for the child and their supportive family. This is a critical element of the design as stated in the European Barnahus Quality Standards – 'The set-up of the building is crucial to secure the privacy and safety of the child.' In our work, we know that a safe space is incredibly important. The Bairns Hoose is for children who are affected by domestic abuse and the safety of children and (primarily) their mothers is paramount. Careful and robust Risk Assessment and safety planning is required and the whole journey through Bairns Hoose needs to be considered with a specialised understanding of gender-based violence. For example, the investigation and legal process can in and of themselves generate risk - so how, when, who with, and why information is shared – to be included in the ongoing safety planning processes.

One of the key messages from children we spoke to was that there wouldn't be a risk of seeing anyone who may have emotionally, physically or sexually hurt them. Indeed, this is what children told us 'I shouldn't have to risk meeting people I know or people who have caused harm to me' (pg.32). This is clearly set out in the Victims and Witnesses (Scotland) Act 2014 where 'a competent authority must take reasonable steps to enable a person who is or appears to be a victim in relation to an offence, or alleged offence, or any of that person's family members, to avoid contact with the person suspected, accused or convicted of the offence during a relevant interaction with a competent authority.'

This is also relevant for ensuring a safe space for examinations as stated in the Health Improvement Scotland & NHS Healthcare and Forensic Medical Services for People who have experienced Rape, Sexual Assault or Child Sexual Abuse: Children, Young People and Adults Standards: 'The forensic examination will be undertaken:

- a) where there is no risk that the person who has experienced rape, sexual assault or child sexual abuse will come into contact with the suspect
- b) in a separate setting and by a different forensic examiner from that used for the examination of the suspect, and
- c) if this is not possible, the actions taken to mitigate risks and reduce contamination of forensic evidence are identified, recorded and shared.

Therefore, what Standard 4 means for children includes: 'You won't come into contact with anyone who might have harmed you or other people you know.' This is clearly retraumatising and why special measures should be used in court processes. This is a sensitive area to raise but there would be some consequences if the age of criminal responsibility is raised higher than twelve for what might happen if a child who may have caused serious physical or sexual harm was being interviewed, medically examined, assessed, and supported in the Bairns Hoose. In our recovery work, this would be most likely to be in cases of sexual assault and rape. There are many issues to consider in relation to gender-based violence that we are seeing in our recovery work with children and young people. Therefore, the design of 'separate spaces for children who have harmed others' may be possible for the very small number of under twelve-year-olds who may have caused serious physical or sexual harm to another person but would still need great sensitivity and awareness for the children and families involved (we believe less than five interviews in the whole of Scotland have been undertaken so far under the ACR legislation,

so it is fairly rare). However, this number would increase significantly when the Age of Criminal Responsibility is raised. In which case, the Standards would need to be revisited.

### A space to give evidence

In criteria 4.6, there is a list of spaces that doesn't currently include the provision of a remote link to a court space. This is an important space for children who are required to give evidence remotely. There are design requirements as specified by Scottish Courts and Tribunals service, as well as procedural requirements. There is also a consideration of interaction with the Children's Hearing System. We discuss this in more detail in response to Standard 7. In criteria 4.1 'justice services' are included as to be co-located but there is no detail of what this means.

### A space to obtain forensic evidence

The European Barnahus Quality standards are also clear that separate waiting rooms are available if needed to protect the privacy or safety of the child **or if required by law enforcement for forensic reasons**. This should be added to the standards.

There needs to be consideration of the need for forensic evidence as this is a key part of the police investigation, alongside the interview and medical examination. There is a whole range of other trace evidence that can assist investigations in identifying or corroborating the location, pattern of behaviour and perpetrator. This may include securing not only intimate samples during a forensic medical examination, but other samples and data such as: -

- early evidence gathering (victims in acute case) and taking of non-sensitive samples (children under 12 suspected of serious or sexual harmful behaviour)
- latent prints (e.g., fingerprints, palm prints);
- footwear
- trace evidence (e.g., fibres, soil, vegetation, paint, glass fragments etc);
- drug evidence

which would require to be collected securely without the risk of cross contamination in acute cases. There should be consideration of the collection of digital evidence (e.g. mobile phones) and how this is managed for children. This should be a space available in the Bairns Hoose for police requirements (added to criteria 4.6).

In the criteria list, there should be inclusion of the importance of clean spaces that comply with relevant national standards, specifications and guidelines to address anti-contamination of evidence. There is no mention of cleanliness and strict cleaning requirements. As such, the reception, one of the welcome rooms and the non-medical investigation evidence capture rooms should have fixtures, fittings and soft furnishings which are welcoming and child friendly but also need to prevent cross contamination i.e. of a smooth finish, sealed, readily cleanable and resistant to degradation and flooring which is impervious and any joints sealed. They can be both - welcoming and comfortable while maintain forensic integrity - it just needs imagination and careful planning. We welcome the knowledge from Police Scotland, Forensic Medical Examiners and the SPA Forensic Science experts.

In addition, consideration should be given to the environment where E-Fits (Electronic Facial Identification Technique) can be produced and, more commonly, where children can view a VIPER parade (Video Identification Parades Electronic Recording), which is necessary to capture evidence of prior identification for court purposes.

There could be greater emphasis on the importance of sound proofing and high technical specification cameras and recorders in the interview rooms. Poor quality recordings have

been highlighted as a particular challenge in the Evidence and Procedure Review (2015) that needed to be addressed.

### **Under one roof**

The aspiration for Barnahus is that professionals come to the child 'under one roof'. The idea that children have to travel to lots of different places is what we are trying to avoid. Whilst we recognise it is necessary in some circumstances, having this as a Standard will mean that local areas may interpret this as not needing to change their local current provision. For example, there are huge challenges in health services even considering to be an active part of Bairns Hoose for medical examinations. We are worried that these statements become a rationale for why we can't make further progress with co-located services under one roof for children.

What the Standards mean for staff section would be strengthened with the inclusion of:

- How staff will ensure the safety of child victims and witnesses
- Forensic medical examinations and other trace samples/items are obtained in an environment and way that will stand up to scrutiny (anti contamination)
- Information and data on location of forensic examinations, facilities and compliance with national standards and guidelines.
- Accessible and high-quality premises with appropriate facilities and equipment, including washing facilities, refreshments and replacement clothing.
- Compliance with infection control guidance, anti-contamination and forensic science regulator guidance
- Experience in risk assessing (including dynamic risk assessments)

### **Standard 5: Planning for children**

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- X  Kind of disagree
- Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

This Standard is critical to ensure that the vision of Bairns' Hoose is delivered for children. Children 1st would recommend the following parts are covered in the Standard:

- Formal procedures and routines – Interagency case reviewing, and planning is integral to the work of the team and respective agencies, and is formalised by mutually agreed upon procedures and routines
- Case review and planning meetings involving relevant agencies in the interagency team take place on a regular basis in the bairns' hoose

- Continuous case tracking – Bairns hoose ensure continuous documentation and access to relevant case information on the progress of the case, observing national laws on data protection, privacy and confidentiality
- Support person – a designated, training individual monitors the multiagency response to ensure that there is continuous support and follow up for the child and family/care givers

Many of these points are covered in the Scottish Standards but in reframing as Planning for children there is some confusion as many points are more relevant in Standard 1 with children's views and some more relevant to the provision of information.

Standard 5 explains what it means for children to have the Bairns Hoose service where they are safe and supported, with all aspects explained to them. There is a recognition that "police, social work and health professionals will work together to help you". It is of course more than this. In our experience and due to our recovery work, there doesn't seem to be acknowledgement of the role of the third sector in providing support. Some families will work with Children 1st and other charities who provide support at times of great challenge, because we are viewed differently from statutory agencies. Therefore, given the extent that we are working with families in recovery stages, it's an oversight not to include this and we have raised this at the Development group. We would also highlight in the international evidence that recovery is the most likely area to be overlooked in the planning, yet often the most important area for children and families. The University of Edinburgh evaluation report on establishing a Barnahus model in Scotland highlights that whole family recovery support is the only part of the service without long term public funding, in contrast to justice, health and social work.

There could be confusion by stating there is lead professional for children who has responsibility to ensure there is continuous and seamless multidisciplinary support (5.8; pg.34). Not all children who are involved with a Bairns' Hoose would require a Child's Plan and as a result a Lead professional under the Getting it Right for Every Child framework. It is worth recognising the range of experiences children and young people have that may involve them in Bairns Hoose.

We highlight the specific needs of children who have experienced domestic abuse and peer-on-peer abuse and the importance of safety planning and recovery support especially when a child who may have caused harm is in the same community or school setting as them. Young people who have been harmed by peers are often the least visible within current processes, as they may be viewed as being 'safe' within their family and therefore not able to access additional support. Children 1st are of the view that additional support should be offered to ensure that children recovering from abuse are able to access recovery- focused support for abuse and harm. In our experience young people recovering from abuse may often have support plans that focus on 'managing behaviour' or increasing school attendance, without focus on the reason they are struggling emotionally being linked to their previous harm. Ensuring child victims are offered recovery support at early stages is preventative in and of itself.

Further detailed comments:

- In the rationale, the first sentence outlines that 'where concerns about a child have been identified, an IRD should be commenced as soon as reasonably practicable ....'. The language used in such a document is vitally important. As we know, all 'child concerns' don't lead to the commencement of child protection. It is suggested that this is amended to 'when there is information or concerns that a child may have been abused or neglected or may be at risk of significant harm a child protection IRD should be convened.'

- 5.1 while this will be appropriate for non-recent child protection cases involving child victims and witnesses, the suggestion that before a child victim or witness in acute cases can attend a Bairns Hoose there has to be a planning process involving all relevant agencies is likely to result in initial details and early evidence gathering taking place in other facilities.
- 5.5 the last bullet point is inaccurate in relation to children under 12 who may have behaved in serious or sexually harmful way. For such children a specific supporter and appointment of a ChIRP is required by law.
- 5.7 Processes to 'minimise' contact between families with planned appointments and other visitors to the Bairns Hoose is not good enough in terms of anti contamination; children's clear wishes and statutory requirements. The standards should be ensuring that there is no contact.
- There should be inclusion of how children's privacy is respected

### Standard 6: Interviews in the Bairns' Hoose

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- X  Kind of disagree
- Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

[They could probably comfort us a little bit more](#)

[Girl, aged 10 \(Children 1st, Sharing Stories for Change, 2021\)](#)

Children 1st strongly agree with the use of evidence-based international protocols (NICHHD) for interviewing children. The European guidelines on child-friendly justice, underpinned by the UNCRC, highlight that justice processes should be adapted to the specific needs of children. As stated, audio or visual recording of interviews should be used where possible to avoid repeat interviewing which may affect recall and cause additional trauma. Interviews should be carried out according to evidence-based practice and protocols. All interviews should be planned, supportive and undertaken by trained practitioners. The minimum amount number of interviews should be undertaken. We strongly endorse this Standard.

Children1st would strongly suggest that the Standards state that the **Scottish Child Interview Model of evidence-based practice is used** as a preference, where this is available, and if this is not, other evidence-based protocols should be followed for video recorded interview. Given the amount of work on the Scottish Child Interview model and national roll out, we are surprised there isn't detail about the Scottish Child Interview as we see this as a critical part of Standard 6. We know it is referenced, we feel it should have some rationale and underpinning of why it should be used due to the high-quality training, rather than the 5-day training for interviews previously used. This is because the Scottish Child Interview model has been developed to ensure highest possible quality of recording, to

meet the aim that where at all possible, the video will be used in court, so child doesn't have to attend and speak to Evidence in chief.

Standard 6: Interviews in the Bairns Hoose I am supported to tell the police and social work what happened. My interview will be videoed, unless I don't want it, so that I don't have to repeat myself as much

There is a particular challenge that is not fully understood in the choice for a child to be videoed. This is incorrect and may unintentionally encourage camera shy young people to request no video – whereas if this right to choose is left in it must be balanced by adding that this may mean that they are required to repeat their story more fully in court process, than otherwise may happen. Our preference would be to add in, My interview will be video recorded to keep to a minimum the numbers of times I need to repeat my story. If I do not want my interview video recorded, my wishes and options will be discussed with me.

Therefore, the statement “Your interview will be recorded unless you don't want it to be. The recording of the interview might be used in court instead of you giving evidence in person” (pg.39) is misleading as children may think it's a choice without consequences. The preference from a rights-based, trauma informed approach is that the recording is used in court so that children do not have to attend in person. We continue to know, even if special measures are adequately used, that is still a very distressing experience. We want Bairns Hoose Standards to be ambitious for children so that the recording is used in court where at all possible – so this becomes our de facto position for children across Scotland.

In Sharing Stories for Change (2021), this is what children and parents told us should change when they were interviewed:

- They could probably comfort us a little bit more (girl, aged 10)
- The way the police interview children needs to change (Mum, children interviewed following domestic abuse)
- Having a choice of a male or female police officer (girl, aged 12)
- The feeling of a second interview - Do they really, really need to make a child feel so inadequate about what they've already told when it's already hard enough to tell the truth as it is? (Mum)
- Make the system take a bit more time to actually process some of the things that they you're going through cause I think sometimes when you initially first tell someone something that's happened to you, you don't go whole in and tell the whole story. You tell fractions of that story (Mum)
- [What if your evidence was used from your first interview?] That would probably make it way easier because I wouldn't have to go {to court}, feel stressed out, feel put under pressure and on the spot, I guess (girl, aged ten).
- No one was beside her in the interview in the police station. It all defeats the purpose of staying away from strangers, when she had to spend the whole time explaining herself to strangers. I think that's wrong in my opinion (Mum)
- But just between the police and then going to court, there was nothing. It was just Women and Children 1st (Mum)

Children 1st Changemakers felt there should be further clarity on how children and young people can be supported to feel prepared for what an interview will be like – they agreed more details would be helpful here. They also suggested that the interview needs to be carefully planned with the right people, including specialists, but also the people who know the child best (as appropriate).

## Interviews for children where they may have caused serious physical or sexual harm

The Scottish Government vision includes ‘all children under ACR whose behaviour has caused significant harm or abuse’. This in an investigatory process and this should read \*may have\* as interviews and evidence gathering explore whether serious physical and sexual harm has taken place. We are concerned there is some confusion in the language. The Age of Criminal Responsibility (Scotland) Act 2019, s. 59 (2), is quite clear that the child is under the age of twelve and the constable has reasonable grounds to suspect:

- by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or
- by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person

We think it would be helpful for clarity to include the accurate wording from the legislation.

There has been considerable work on recent legislative change on the age of criminal responsibility. The [Age of Criminal Responsibility \(Scotland\) Act 2019 Operational guidance for Social Work and Police](#) (Dec 2021) is a key document setting out the investigation process and the different people who are involved. In particular this section should include reference to [Age of Criminal Responsibility \(Scotland\) Act 2019 – Statutory Guidance on Investigative Interviews](#).

We are fully committed to upholding the rights of all children. There does need to be clarity in the Standards though that the legislation, statutory guidance and pathways for children who may have caused serious physical or sexual harm under ACR legislation is very detailed and specific. There is very little in the current Standards that recognises this. For example, the role of a Child Interview Rights Practitioner would be used in these interviews. It will be important for children and their families to have information about their rights and the role of the Children’s Reporter and the Children’s Hearings System.

### **Standard 7: Support through the court and legal process**

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- Kind of disagree
- X  Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.



Strangers and silent halls  
Need to get my feelings out in a place that feels like home  
I don't want to be alone just want to paint the pictures on the wall  
When I scream do you listen?  
I didn't come to lie  
Open your mind

Lyrics created by 10-year-old, Sophie on her experience of giving evidence to Court via a Vulnerable Witness Suite

Children 1st believe that Standards must lead to transformational change for Scotland's children. Our work with children and families across Scotland has repeatedly shown the distress and trauma of court processes. Despite some progress in protective measures for children in court proceedings, there remains a gap between the intention and the reality of what children are experiencing across Scotland,

'Child victims and witnesses of crime continue to face additional trauma, distress and harm due to complex procedures, being required to repeat their story many times, use of victim-blaming language by professionals and a lack of appropriate safeguards when giving evidence in court. **Members report there is a gap between protective legislation and children's experiences. They note challenges securing special measures including the use of screens, pre-recorded evidence, evidence by video link or separate entrances.**'<sup>2</sup>

Therefore, we strongly urge the Standards to set out the 'blueprint' so what has already been clearly stated in the Evidence and Procedure Review (2015) for child victims and witnesses:

*"The best way to secure reliable evidence from a child or other vulnerable witness, in a manner that minimises any further harm to them, is to **remove them as far as possible from the traditional styles of questioning and cross-examination. It is not merely a case of adapting the system we have, but of constructing a new approach, based on the wealth of scientific and experiential evidence available.** In that context, there is a compelling case that the approach taken in Norway provides the most appropriate environment and procedures for taking the evidence of young or vulnerable witness. **In terms of the environment, not only is the Barnahus a custom designed facility, away from the Court building, with high quality facilities in every aspect, it is also a one-stop shop for the child's needs in the longer term, with immediate access to medical, child protection and welfare services.** As for the procedures, most child witnesses will undergo just one forensic interview, with a fully trained interviewer, no more than a few weeks after the incident has been reported, and often within a fortnight."*<sup>3</sup>

The current draft Standard 7 is very weak: 'The Bairns Hoose should be considered for this purpose (give evidence by 'live television link from another location or at an evidence by commissioner hearing in advance of the trial') if deemed suitable' (pg.42). Even the opening 'Standard Statement' suggests that the child is still giving evidence in a criminal trial: '**If I need to give evidence in a court process, someone explains what is happening and supports me through this**' (pg.42). This Standard Statement could be interpreted as the special measure of a 'supporter' being present when the child is giving evidence. The

---

<sup>2</sup> Together (2020) *Children's Rights in Scotland: Civil society report to inform the UN Committee on the Rights of the Child's List of Issues prior to reporting by Together (Scottish Alliance of Children's Rights)* pg.39

<sup>3</sup> SCTS (2015) [Evidence and Procedure Review Report](#), pg.37

gap in this Standard is the critical involvement of key operational leads from legal and court services who ensure that the colleague in the Bairns' Hoose with responsibility for keeping young people and their family up to date, have all relevant information to facilitate consistent support and information sharing. The child's justice journey will only be improved if the child victim is routinely enabled to engage with all aspects of the court/justice process remotely from the Bairns Hoose. We are disappointed that the clear vision of Bairns Hoose enabling this for all child victims is missing from the Standards.

There continues to be significant caveats and restrictions which mean children may have to attend court in person, as they may need to enter the court building to access a remote link to the court or be required to attend court with use of a screen. These are barriers that the aspiration of Bairns' Hoose needs to overcome if we really want non-traumatising child friendly justice. We recognise there is some progress; however, it is our extensive knowledge and experience that current implementation of special measures for children in court proceedings are still in court buildings and for many involve adversarial cross-examination. **Therefore, we are concerned that the hope that evidence that is gathered in a Bairns' Hoose will be used for court proceedings and children do not have to attend court will not be realised unless explicitly stated.**

The drafted Standards do not emphasise that the key to a child not repeating their story will be highly quality, multidisciplinary collaboration - that the success of this comes, not from having a named 'key' professional with responsibility for coordinating the child's journey, but from multiagency working and information sharing. Justice processes involving child victims and witnesses need to be fully aligned with the operational procedures of Bairns Hoose in the local area. When based on Bairns Hoose being the agreed national and local formal justice and child protection route, the existence of a Bairns Hoose in a local area will fundamentally change how all children and young people access the justice process. Without this ambition clearly stated it is likely Bairns Hoose will deliver pockets of good practice in areas for example, where COPFS agree to use the local Bairns Hoose facilities. It should be clear that the Scottish Government intention is for Bairns Hoose to be THE place child victims & witnesses will give evidence for court and Children's Hearing as required, to minimise trauma.

This Standard should also cover the other elements of the criminal justice process (for victims and witnesses; the criminal investigation by the police, COPFS consideration of the evidence available and decision whether to prosecute or not and SCTS in terms of the provision of administrative support to Scottish courts) and the Children's hearing process when it is necessary to hear a child's evidence. This should also include what specific information would be invaluable for children and their families from each of these organisations.

*Children 1st Changemakers felt it is important to offer clarity on what 'advocacy support' is as they felt this would not be understood by children and young people. They suggested that the wording is made more child-friendly, such as, 'Children have someone to support them to make sure their rights are upheld throughout any legal processes.'*

The evidence of achievement as currently drafted is inadequate. We would want to know that children were able to give evidence from a Bairns Hoose without undue delay. This would include data on evidence-in-chief; evidence by commissioner hearings, use of evidence in Children's Hearings and special measures to use a remote link to court from Bairns Hoose. We would gather data on the efficacy of these measures being delivered to a high standard and the experience of children and families. We would also consider interagency agreements including Crown Office and Procurator Fiscal Services, Scottish Courts and Tribunals, Scottish Children's Reporters Association and Children's Hearings Scotland.

## Support through court and legal process for children where they may have caused serious physical or sexual harm under the Age of Criminal Responsibility (Scotland) Act 2019

This Standard does not consider the specific rights of children where they may have caused serious physical or sexual harm and may be involved in court processes and Children's Hearings. There is no consideration at all for the needs of this group of children in the rationale. There are critical statutory responsibilities set out under the Age of Criminal Responsibility (Scotland) Act 2019 and associated statutory and operational guidance which need to be referred to (see, [Age of Criminal Responsibility \(Scotland\) Act 2019 Operational guidance for Social Work and Police \(Dec 2021\)](#); [Age of Criminal Responsibility \(Scotland\) Act 2019 – Statutory Guidance on Investigative Interviews](#); [Age of Criminal Responsibility Act \(Scotland\) Act 2019 – Statutory Guidance on the use of a Place of Safety](#); [Age of Criminal Responsibility Act \(Scotland\) Act 2019 – Child Interview Rights Practitioner Code of Practice](#)).

The processes relating to the application for Court Orders are different from legislation relating to child victims and witnesses. As such, the standards have to be clear about the statutory powers and provisions and pathways for children under 12 years of age who may have 'concerning behaviour' or 'serious harmful behaviour'. There is very little in the current Standards that recognises this. For example, the Criteria of this standard is all relevant for child victims and witnesses, rather than a child suspected of harm; for example, 7.5 children have access to independent advocacy – in the case for children who may be suspected of serious physical or sexual harm, is an interview was deemed necessary and undertaken by agreement, or court order, a Child Interview Rights Practitioner would be allocated.

### Further detailed comments

#### Rationale

- In the opening statement of the Rationale, there is a right to recovery from abuse is enshrined in Article 29 of the UNCRC. This should be Article 39. Also, this should be in the Standard 8 - Recovery.
- Paragraph 2 – Given the distinction made in the standards between a child victim or witness, would it not be better amending the first sentence to 'any child victim or witness may be cross-examined by the defence. Prior to this sentence, it would be helpful to outline how evidence in chief is given and then go on to outline cross examination. There is a need to reference Appendix 1: Bairns Hoose and the justice system and ideally some of this detail is needed in the context of Standard 7.
- '.....throughout the criminal investigation and ANY legal proceedings.' Should be added (pg. 42)
- Language is quite confusing in moving between process and proceedings.

#### Criteria

- 7.2 - Would it not be more appropriate to amend 'if required' to 'if they wish'. Notwithstanding, this sort of contradicts 9.5 where it states that 'where the need for therapeutic support is identified, this begins as soon as possible, paying due regard to any ongoing investigation or court case and avoiding undue delay'.
- 7.3. A lead professional is identified (pg.43) – We want to highlight the implications of this term under Children and Young People (Scotland) 2014 legislation and National Child Protection Guidance which may lead to confusion. This role should also have a responsibility beyond sharing information that is to support the process of seamlessly ensuring special measures are made available to young people, and high-quality integrated planning.

- 7.3 Bullet point 2 - if a court order is applied for in respect of a child under 12 suspected of serious physical or sexual harm then it is a statutory responsibility for the police to inform the child/parent (not the Lead professional) This highlights on one of the differences of the statutory responsibilities.
- 7.3 Bullet point 3 – We are unclear what this actually means
- 7. 4 – Should include the Victims Code for Scotland
- 7.4 – For children who are suspected of serious physical or sexual harm, they would not be regularly updated on the progress of the investigation for obvious reasons. They would be informed on the outcomes of the investigation.
- ‘You have the name of the person who you can go to who will keep you and your family up to date on what’s happening’ (pg.44) - This potentially implies that it’s the responsibility of the child, young person and their family to make contact for updates, whereas BH team recognises that when they are a witness within a legal case that is going through justice process, there will be different updates, correspondence and communication needed to update them and that if this is not done sensitively, it can be retraumatising. We suggest wording and process of – Someone from the Bairns’ Hoose has responsibility for keeping you and your family up to date on what is happening. They will contact you with updates and you will have their name so you can contact them too if you want to.
- Bairns Hoose partnership – ‘works closely with legal and court services to share available information (pg.44). Our concern is that greater clarity is needed in the operational lead role of legal and court services in a Bairns Hoose.
- Bairns Hoose partnership ‘shares relevant information with children and families when it is available’ – Needs far greater data protection scrutiny and use of interagency data sharing agreements to be delivered
- In evidence of achievement ‘ “shared systems and record-keeping” (pg.44) in relation to court and legal processes needs far greater consideration and detail. ‘Information flow between legal agencies and partnerships. Again, this is very unclear and confusing.

### Standard 8: Health and wellbeing

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- Kind of disagree
- X  Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

‘The physical space for examinations is up to high medical standards.’  
 ‘The medical space should feel comfortable and appropriate for children and young people’

(Children 1st Changemakers)

**Children 1st believe this Health Standard needs to be strengthened to deliver the vision of Bairns Hoose for children who are victims and witnesses of violence.** We recognise this is transformational change and it will take time as we test, learn and develop. As currently drafted, it seems unlikely that children will participate in medical examinations in a Bairns Hoose – rather that children are assessed (only ‘if required’) and referred on. This falls significantly short of the European Barnahus Quality Standards used for children across Europe. We reiterate the importance of the Barnahus model providing health services for children ‘under one roof’.

All children and young people who have experienced any form of violence or abuse should have access to trauma-informed, multiagency and person-centred healthcare. As set out in Standard 7: Medical Examinations, [European Barnahus Quality Standards](#) states:

The UN Committee on the Rights of the Child (CRC) has emphasised that different types of victim support, including medical, mental health, social and legal services, should be made available to the child and the non-offending caregivers and other family members. The CRC also promotes follow up and longer-term interventions. Special attention must be given to inviting and giving due weight to the child’s views. The CRC furthermore emphasises measures to promote physical and psychological recovery of victims of violence, including medical services. **Medical examination, treatment and potential referral to specialised medical treatment should form an integral part of the services that a Barnahus offers, to ensure the victims’ right to health and to secure forensic evidence.**

Multiple forms of abuse and neglect may co-occur in a given child, some of which may be easily missed without a medical examination. Thus, a medical examination of every child will increase the diagnostic accuracy in every case (2017, pg.88-89).

Here are the core components of health provision in a Barnahus:

- Medical evaluations and/or forensic medical evaluations are routinely carried out in the Barnahus premises by specialised staff (for example, Paediatrician, specialist nurse).
- Medical treatment is carried out in the Barnahus premises (unless urgent or complicated cases require special interventions at a hospital setting, as an outpatient or inpatient).
- The medical examination is carried out by specialised staff who are trained on recognising indicators of physical, sexual, and emotional abuse, as well as child neglect.
- Medical staff are present in case review and planning meetings as appropriate.
- Children and family/caregivers receive adequate information regarding available and necessary treatments and can influence the timing, location and set up of interventions.

These are recognised as internationally good practice with a growing number of Barnahus models developed across Europe. The [Promise Barnahus Network](#) recently compiled information regarding forensic medical examinations in the context of multidisciplinary interventions, including: the order of interventions, who decides a forensic medical evaluation is needed, what are the guidelines for referral, how are acute cases identified and what special process do they go through, protocols for questioning used by the forensic

medical examiner to prevent the contamination of evidence prior to forensic interview (Promise, 2020).

This is an area that will require clear vision and national commitment if we want children to have their health needs met in a Bairns Hoose. Across Scotland, there has been considerable investment in hospital facilities for forensic medical suites, therefore there appears to be a reluctance to consider investment in Bairns Hoose.

These are the Standards we need to aspire to. NHS health boards will need to have clear responsibilities that are beyond the coordination of appointments and use of referral pathways. There is more aspiration in the Children's version where:

- You will have someone to check your health and wellbeing at a Bairns' Hoose, if this is what you need.
- Staff will plan any appointments you need and organise them all for you.
- The staff who look after your health will take the time to consider your feelings and experiences'

In contrast, the section on what this means for the partnership places more emphasis on the Bairns' Hoose health role being to - coordinate follow up and ensure there are established referral pathways and partnership agreements to support integration of the Bairns' Hoose with acute and community health services.

The standard appears to raise expectations of the child victim and their family, that health assessments will be undertaken within Bairns Hoose, and imply that this will happen, however detail on what this means for agencies gives no examples of any health follow up to demonstrate this in practice. This is referred to as 'the child's ongoing health and wellbeing needs are met, in a way **that is experienced by the child and their family as being seamless,**' rather than stating that the Bairns Hoose will ensure that the child's health needs are met within Bairns Hoose as a core element of the holistic support and one stop approach.

There needs to be accountability for the provision of health services in a Bairns' hoose. If the Standard is not clear on this, there will be little change to the current system. The absence of health provision for children in Bairns Hoose should be consider by inspection agencies as an area for improvement. It is surprising there is no reference of the Faculty of Forensic and Legal Medicine and Royal College of Paediatrics and Child Health Care, "Service specification for the clinical evaluation of children and young people who may have been sexually abused'; also, the HIS and NHS Scotland Standards on 'Health care and Forensic Medical services for People who have experienced Rape, Sexual Assault or Child Sexual Abuse: Children, Young People and Adult Standards'. We are not sure why these are not referred to if these Standards are a 'blueprint' for implementation.

Practical examples of evidence of achievement should include:

- Feedback from children and families on the health provision in Bairns Hoose
- Children and caregivers are given information about examinations and appropriate treatment
- Children's views are given due weight in regard to examination and treatment
- Medical examination, treatment and potential referral to specialised medical treatment forms an integral part of the service Bairns Hoose offers
- Medical examination and or/forensic medical examination are routinely carried out in Bairns Hoose
- Liaising with local hospitals for relevant cases, including urgent or complicated cases that require special interventions

- Medical evaluation and treatment is carried out by a paediatrician, gynaecologist, forensic medical physician or advanced nurse with specialised training on child abuse and neglect depending on the needs of the child
- Staff are competent in photo documentation (with relevant police authorities as required and set out in guidelines)
- Staff have access to child-friendly general and genital examination (e.g. video-colposcope and high quality camera) – and if there is no such equipment, the child is referred to the service which can perform the examination without delay
- Medical staff are part of case reviews and planning as appropriate

We need to ensure that accessing health pathways in Bairns Hoose stops way short of putting child's needs at centre and is another example of where the needs of current system have been put first, resulting in standards which do not put the child at centre.

### Standard 9: Access to therapeutic recovery services

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- Kind of disagree
- X  Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

Giving the right advice and saying the right thing and listening properly (Girl, aged 8)

Getting listened to (Girl, aged 10)

Just someone I can talk to about my nightmares and suggestions from them on how it can be controlled (Boy, aged 12)

(Children 1st, Sharing Stories for Change, 2021)

**Children 1st are very clear that a key purpose of Bairns Hoose is the provision of recovery support, not access to or referral pathways onto other therapeutic services.**

The title of this Standard is very misleading. This standard needs to have a clearer statement that recovery support within Bairns Hoose is a core requirement, in order for a Bairns Hoose to meet the ambition of one of its key aims:

To ensure that children and young people who have been victims and witnesses of abuse or violence (and in the case of Scotland, this will initially be extended to children under the age of criminal responsibility who may have caused serious physical or sexual harm) **receive appropriate assessment, treatment and support**

**from the moment they disclose abuse, or abuse is suspected or alleged.**  
(Barnahus Quality Standards, 2017)

This drafted Standard fails to highlight that recovery starts at the point of disclosure, for all children and young people who attend for interview, regardless of the outcome of the investigative process. To ensure that the child protection and justice system is child centred and recovery focused, not as can happen currently, focused on what information the system needs to progress a case, often to the detriment of the child victim and witness having their recovery needs identified and met. In other countries that have rolled out Barnahus, there is learning that where recovery support is not seen as core, this can be one of the 'rooms' that is missing. Without recovery support as a routine follow up post interview, the Bairns Hoose becomes more like a child and family centred interview space, with court attached. The right to recovery is missed.

The European Barnahus Quality Standards are far clearer 'children and their family should be offered appropriate and tailored support, including Mental Health assessments, when required, as soon as possible and no later than four weeks after the completion of the forensic interviews'. If following the European Barnahus Quality Standards, the therapeutic service standard should include:

- 9.1 Assessment and recovery support which is routinely made available for child victims and witnesses who are referred to Bairns Hoose
- 9.2 Staff – All services are provided by professionals with specialised trauma informed training and expertise
- 9.3 Information and child participation – Children and family/caregivers receive adequate information regarding available support and can influence the timing, location and set up
- 9.4 Crisis intervention – the Bairns Hoose has clear organisational structure and permanent staff to routinely offer crisis support for the children and non-offending family members/caregivers if needed

As with Standard 8, this Standard 9 leans towards describing the level of system change that is viewed as being acceptable. This has the unintended consequence of making no change - as the list of practice examples evidencing this Standard is met, starts with the Bairns Hoose having established referrals pathways – whereas the first example should be that recovery support is routinely assessed and offered from within Bairns Hoose.

As is currently drafted, Practical examples of evidence of achievement include:

- **Established referral pathways into different therapeutic support services to meet different needs.**
- Commissioning data to demonstrate provision of specialist support services.
- Service provision within the Bairns' Hoose including therapeutic support.
- Gap analysis of local support services and improvement plans to address gaps.
- Data on referral and take-up rates of therapeutic support and evidence of this data being used to inform future referrals.
- Evidence of impact.

This is really confusing as the main point for children should be service provision of recovery support (point 3). The examples used in European Barnahus Quality Standards include many more considerations and fundamentally

- Recovery is adapted to the needs of the child and family
- Timescales of when therapy/recovery support starts as soon as possible after the interview
- Children are offered short term and long term treatment



- Assessment and treatment are never made conditional on the victim's willingness to cooperate in criminal investigation, prosecution or trial
- Staff have specialised training in assessment and treatment/support
- Staff have access to training, guidance, supervision and counselling
- Children and non-offending families are routinely offered information about the support
- Children and non-offending families are part of the planning
- Special effort is made to meet children and families' needs when there are disabilities and different languages (for example)
- Crisis support is offered to children and non-offending families in need in the Barnahus. There are clear structures and permanent, trained staff to provide this.

Therapeutic support for children where they may have caused serious physical or sexual harm under the Age of Criminal Responsibility (Scotland) Act 2019

There is no consideration of the therapeutic support needs for children who may have caused serious physical or sexual harm to another person.

Further comments

Rationale

- There is a sentence 'many children accessing the Bairns Hoose will have a range of complex child protection, social and emotional care needs.' The introduction of all children under 18 who have been victims of or witnesses to abuse or violence will be such that many will not have any child protection needs, never mind complex child protection needs.
- Paragraph 3 - the reference (64) is the Harmful sexual behaviour by children and young persons - Expert Group Report. This expert group did not focus on children under 12 so is mis-referenced here. The report published by SCRA - Backgrounds and outcomes for children 8 - 11-year-olds who have been referred for offending states that of the 100 children in the sample research, there were 25 children (25%) recorded who had been victims of abuse. Five children had been sexually abused and 18 physically abused. Two children had been physically and sexually abused. For 16 of these children this was by one or more family members, a further two children had been abused by associate(s) of their parent(s), and one child had been abused by family member(s) and associate(s) of their parents. In terms of accuracy, we suggest the sentence 'Children under the ACR are at high risk of having experienced or witnesses abuse and require specialist tailored support' is amended to 'Harmful sexual behaviour in children can be a reaction to trauma or victimisation which requires specialist tailored support' if the Expert report is cited.

**Standard 10: Multidisciplinary staff training and support**

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- Kind of agree
- Neither agree or disagree
- X  Kind of disagree
- Completely disagree

Don't know

Please provide us with your feedback on the standard in the box below.

This Standard 10 should cover two key elements as set out in the Barnahus Quality Standards:

- Training of Professionals - is a fundamental aspect of the Bairns Hoose to ensure there is training of professionals 'in their specific area of expertise' and joint training on cross-cutting issues
- Guidance, supervision and counselling - 'members of the Barnahus team have access to individual and group counselling related to individual cases and to address professional and personal emotional strain, challenges and ethical dilemmas in working with child victims and witnesses of violence'

There is no inclusion of the Scottish Child Interview model which is the national evidence-based child interview training programme where child protection and justice partners have been working in partnership with the Scottish Government to take forward recommendations of the Evidence and Procedure Review (2015) to improve the quality and consistency of Joint Investigative Interviews (JIIs) of children. The aim is that JII statements are of a sufficiently high standard that they can be used as Evidence in Chief and contribute to the range of improvements being made to remove the need for children to give evidence in court and so reduce the potential of further trauma for child victims and witnesses. This is important work and should be included in the rationale for work on multi-disciplinary training.

Whilst the references to trauma are very relevant, it needs to be recognised that this training is for all involved in Bairns Hoose and includes having all the technical skills required for the different roles. A key example would be trained in the Scottish Child Interview model for undertaking evidence-based child development informed interviews with children. There is a suggestion 'can access guidance, supervision, counselling and peer review' (pg.54) where this is really essential to the quality and importance of the work.

It would be helpful to recognise the role of the Chief Officer Group and Child Protection Committees given their responsibility in terms of interagency training. Many CPCs have their own Training and Development Officers (or share such an officer with a neighbouring CPC) whose role encompasses part of this work.

#### Further comments

- We are not clear on the inclusion of coaching in this context and suggest staff are supported through supervision to apply and embed their skills and knowledge
- Are criteria 10.1 and 10.4 not the same thing?
- 10.5 States that **all staff work to a shared competency framework** and have access to continuing professional developments. A competency framework defines the knowledge, skills and attributes needed for people within **an organisation** and each individual role will have its own set of competencies needed to effectively perform the role. Given each core agency with the Bairns Hoose has unique responsibilities, including independent statutory roles and responsibilities, would it not be more appropriate saying 'staff will work to agreed shared principles .....'.
- 10.8 Children 1st would go further than this an include all staff will receive individual counselling and, when appropriate, group counselling. For example, for many years now individual counselling has been mandatory for all Police Scotland PPU staff (they must attend a session once a year but can self refer anytime) and, in addition,

TRiM (Trauma Risk Management) is used to provide support for all officers and staff who are directly involved in a potentially traumatic incident.

- What does this mean for the Partnership – We are unclear what ‘effective integration across agencies’ actually means and how it can be interpreted. There is also the ‘offer’ of guidance, supervision, counselling – rather than it being a Standard.
- Practical evidence of achievement – Includes ‘appraisal data, career pathways and training and development plans’ We are not sure that relevant HR agencies for employees would agree with the legality and ethics of sharing these. Unless the intention is that they are simply undertaken.

### **Standard 11: Prevention, sharing knowledge and learning from good practice**

Do you agree with the content of this standard, including the statement, rationale and criteria?

- Completely agree
- X  Kind of agree
- Neither agree or disagree
- Kind of disagree
- Completely disagree
- Don't know

Please provide us with your feedback on the standard in the box below.

This final Standard is focused on the prevention by raising the awareness of violence against children, the role of a multiagency response, facilitate research and support evidence-based legislation policy and procedures. It also has a role to increase the competence and knowledge of all those working with children. There could be acknowledgement of existing structures that have the clear responsibility for prevention; sharing knowledge and learning from good practice.

**Chief Officer Groups** - are ultimately responsible and accountable for improving the experience of and outcomes for children who may need protection. The local Child Protection Committee (CPC) is the interagency mechanisms to take forward this work, whether the CPC is comprised of the Chief Officers themselves or whether it is a group clearly mandated by Chief Officers to do so. Chief Officers are individually and collectively responsible and accountable for effectiveness of the CPC.

**Child Protection Committees** are the key local bodies for developing, implementing and improving child protection strategy across and between agencies, bodies and the local community. A CPC is expected to perform a number of crucial functions in order to jointly identify and manage risk to children and young people, monitor and improve performance and promote the ethos that “It’s everyone’s job to make sure I’m alright”. CPCs must ensure all of these functions are carried out to a high standard and are aligned to the local Getting It Right For Every Child arrangements. The functions are as follows: continuous improvement; public information, engagement and participation; strategic planning and connections; and annual reporting on the work of the CPC.

CPCs form subgroups or subcommittees to support their work. The number and composition of these vary from area to area. However, almost all areas have subgroups or subcommittees focussing on: quality assurance / self-evaluation / performance / improvement learning / development / training.

## Public Information, Engagement and Participation

Keeping children and young people safe is everyone's job and the CPC must be able to demonstrate that its work is informed by the perspectives of children, young people and their families. CPCs will maintain an overview of levels of knowledge and confidence in child protection systems within their area and address issues as required within their Improvement / Business Plans. Each CPC will develop, implement and regularly review a communications strategy that includes:

- raising awareness so that members of the public, including children and young people, know what child protection means and what to do if they have a concern for a child or young person
- explaining and promoting the role of services in protecting children and young people
- engaging with local communities to raise awareness of indicators of concern
- increasing understanding of the role that communities and all adults have in protecting children and young people
- involving children, young people and families in its design and delivery
- taking account of new and emerging risks

## Continuous Improvement

CPCs have a pivotal role in the continuous improvement of the protection of children and young people. A number of functions relate directly to this role. These are:

### Policies, Procedures and Guidance

Clear and robust inter-agency guidance is vital to the protection of children and young people. Each CPC will:

- ensure that local child protection policies, procedures and guidance are informed by this guidance and the National Guidance for Child Protection in Scotland
- systematically develop, disseminate and review the effectiveness of inter-agency policies, procedures and guidance
- ensure that policies, procedures and guidance are developed around current and emerging issues where there is agreement that this is required

## Data and Evidence

CPCs will have an overview of performance from key services about their work to protect children and young people in line with the shared dataset. This will include qualitative and quantitative data on the effectiveness of services in improving the experiences of, and outcomes for, children in need of protection. They will ensure this is used to influence improvements in the quality of services to protect children and young people. CPC members will ensure that they have appropriate data collection arrangements and analytical capacity in place so that activity, trends and themes can be proactively identified and escalated. This should reflect the national child protection minimum dataset.

## Quality Assurance and Self Evaluation

CPCs have responsibility for the development and implementation of inter- agency quality assurance mechanisms. Each CPC will:-

- establish systematic approaches to quality assurance and self- evaluation which focus on the experiences of, and outcomes for, children, young people and families
- use the learning from this activity to develop, implement and measure the impact of improvement plans

- involve key stakeholders including frontline staff, managers, children, young people and families in aspects of undertaking, reviewing and learning from quality assurance and self-evaluation activity
- take account of learning from sources including research; inspection locally and nationally; and other CPCs in order to promote good practice and contribute to improved outcomes for children and young people.

We suggest the standards make it very clear the role and responsibilities of the Chief Officer Group; CPCs (and any sub groups); the CPC Lead Officer; the CPC Training and Development Officer and Children's Services Planning Partnerships in relation to the Bairns Hoose.

There is no suggestion of a child abuse analyst being embedded in a Bairns Hoose for the purposes of identifying preventative strategies (using crime mapping technology and other raw data to develop a better understanding of behaviours/trends; identify patterns and make correlation) as well as undertaking some performance analysis in terms of performance and outcomes.

As per other standards, standard 11 focuses solely on child abuse and neglect and has no specific reference to children suspected of serious violent or dangerous behaviour or sexually harmful behaviour.

### **What support is needed to implement the standards?**

We are increasingly aware in Scotland of the gap between the aspiration of good intentions and the reality for children. We have a raft of legislation that should, if fully implemented, make a difference to child victims and witnesses of violence; yet our experiences constantly highlight this is not being delivered. Therefore, we know that implementing legislation with statutory responsibility is hard, so we do not underestimate the scale of the task of implementing national non-statutory Standards in a time of considerable budgetary constraints. We have strongly argued for clear monitoring and accountability of the Standards and highlighted the role of inspection bodies. Transformational change is over a period of time that requires inspection bodies to have a pivotal role over the next ten years and beyond. This is not the responsibility of national working groups, although we value the focus and drive on the aspiration that they will bring.

One of the areas that needs clear agreement will be budgetary commitment. We feel it is highly unlikely that transformational change is possible without budgetary support – especially with the hugely ambitious aim to have Bairns Hooses operational across Scotland by 2025. This is a multiagency model and international learning shows the importance of cross-Ministerial financial support to drive the change required for children. Positive steps have been taken with the investment into the Scottish Child Interview model and there is a significant opportunity to build on this work.

We have recognised the challenges of implementing Standards; for example, the learning in implementing the Health and Social Care Standards. There is a need to state who the Standards apply to, recognising all agencies involved, as well as the emphasis that the Standards do not remove the need to comply with existing legislation and operational guidance. There is more concerted work required to ensure all operating procedures relevant for social work, police, health, COPFS, SCTS, SCRA and CHS are compatible with the Bairns Hoose Standards. Without ensuring clear accountability through oversight and inspection there will be little difference.

We would recommend a required review of the Standards. There is a clear role for research and evaluation in ensuring the Standards contain the internationally evidence-based protocols for children and families and continue to strive to use a continuous learning approach. Children 1st would like Gold Standards for children, rather than minimum standards.

### **Section 3**

1. Is there anything that has been missed from the standards?

Yes. There are many areas that need to be strengthened to be a 'blueprint' for the delivery of Bairns Hoose for Scotland. We have highlighted key areas in response to General comments section and throughout our response.

2. How can people running a Bairns' Hoose show us they are meeting the standards?

Bairns Hoose is multi-agency and would require joint reporting to a range of inspection bodies. The question of inspection and quality assurance has been highlighted at the development group. There needs to be local accountability and a critical role for Chief Officers and Child Protection Committees. Chief Officers are ultimately responsible and accountable to improve outcomes for children in need of protection. The local Child Protection Committee is the interagency mechanism to deliver this. The National Child Protection Leadership group is chaired by the Minister for Children and Young People and should be a body reported to for oversight. The relevant inspection bodies need to be considered and agreed as part of the consultation process (and are likely to include joint inspections with Care Inspectorate, Her Majesty's Inspectorate of Constabulary Scotland, Education Scotland and Health Improvement Scotland).

**We welcome further discussions.**

#### **Contact details**

Dr Louise Hill  
Head of Policy, Evidence and Impact  
Children 1st  
e.mail: [Louise.Hill@children1st.org.uk](mailto:Louise.Hill@children1st.org.uk)

04.11.22