

## **Children 1st response to the Scottish Government consultation on regulation of child contact services**

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

- are clean, bright, warm, well maintained and well ventilated
- are safe and secure (including any outdoor areas), free from avoidable hazards, and have a secure entry system
- have toilets and nappy changing facilities and (where available) kitchen facilities that are in good condition with access to hot and cold water and compliant with existing environmental health and safety requirements
- have furniture, soft furnishings, toys and equipment (including outdoor play equipment) and appliances/fittings that are in good condition and compliant with health and safety requirements, including British Standards Institution (BSI) safety standards
- have adequate space to meet the needs of children and families using the centre, including sufficient waiting areas
- have at least two separate entrances/exits, where possible
- have access to age appropriate and good quality play equipment and play spaces, including outside space where possible
- have clearly defined emergency evacuation plans in place that staff, parents and children are aware of and that are well signposted
- have fire safety equipment that conforms with BSI safety standards
- have a first aid box

**Do you have any further comments regarding your selections?**

As we stated in our initial written evidence to the Justice Committee as the Children (Scotland) Act 2020 was progressing ([JS519CH16\\_Children\\_1st.pdf \(parliament.scot\)](#)), we believe that children have the right to safe and positive relationships with important people in their lives. Contact arrangements should, first and foremost, be safe and we believe that this should be the starting point when considering regulation, rather than the physical infrastructure of the building. This is particularly important given the exceptionally high number of civil court proceedings that involve domestic abuse.

Children 1st submitted evidence repeatedly to the Justice Committee about the impact of unsafe contact arrangements.

Contact arrangements themselves should be the focus of scrutiny for safety initially, not the contact centre. If contact is unsafe for survivors and children, it should not happen. This includes making provision for responses when situations change at the last minute and when children are expressing that they feel uncomfortable, anxious or unsafe.

In our view, it is possible for contact centres to play an important role in facilitating safe contact arrangements. In addition to the list of physical infrastructure above, we believe there should be an emphasis on the potential role of skilled staff to signpost or offer support, given what we know from models such as Safe and Together. We recognise that this is discussed elsewhere in this consultation, but believe that provision of training of staff should be a priority and the focus of producing

standards should be on taking a rights- based approach to ensuring that contact centres are safe spaces.

Our supplementary evidence to the Committee about contact centres demonstrated ways that contact centres made children and survivors of domestic abuse feel unsafe. Survivors of domestic abuse have told us about the way that contact arrangements are used to continue to perpetuate abuse and in some cases they have been followed and harassed after arrangements at contact centres have taken place.

**Question 2): Are there any other areas that should be considered for the minimum standards for accommodation?**

As stated above, we believe that safety should be a key priority—including how contact centres will uphold children and survivors’ right to be safe and the training standards for those working in contact centres.

There is much scope for contact centres to develop into welcoming spaces where children and families want to go, but this requires resources and must be done in collaboration with children and families who use contact centres. Much of what needs to change relates to culture and practice as well as systems and processes.

We strongly recommend that the Scottish Government considers the evidence of child and adult survivors of domestic abuse and children who have repeatedly shared their experiences with the Parliament and the Government about contact centres and contact arrangements. Evidence from research undertaken by Professor Kay Tisdall, Dr Fiona Morrison and Dr Claire Houghton as well as views from Yello, CYPCS Young Advisors, the Scottish Youth Parliament, the Children’s Parliament and the Promise 1,000 Voices project must inform the development of the Standards. It is important to listen to the experiences of children and families so that the ambitions of the Act to uphold children’s rights to be safe and to maintain relationships with the important people in their lives are upheld.

We also recommend that the Scottish Government reviews international evidence and research.

**Question 3): Do you agree with the proposed process for and frequency of inspections for a providers registered premises?**

No. We believe that in addition to inspecting the physical infrastructure of the contact centre there should be accountability in terms of inspecting training standards and culture to ensure children and families are safe. Regulation is not just about acceptable accommodation standards but about upholding children’s rights more broadly so that they can develop safe, happy and loving relationships.

**Question 4): Do you agree/disagree with the proposed sanctions for non-compliance with the accommodation standards?**

Disagree. We are unsure about the length of time referred to by an ‘appropriate timeframe’ and would be keen to explore this further. We are concerned about the children who may continue to attend an inappropriate setting where standards have not been met while the situation is being rectified.

**Question 5): Should the same minimum standards that apply to registered premises also apply to alternative premises?**

Yes. All premises should be safe and welcoming and all professionals should be skilled and fully trained.

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

Yes. Specific standards should relate to the safety of child and adult survivors of domestic abuse.

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

Agree.

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

We have some concerns about a contact centre provider being able to self-certify. The 2020 Act places a duty on courts and solicitors to refer to regulated child contact centre services. Child contact arrangements are generally planned and timetabled well in advance, and we are uncertain why there would be a situation in which contact must still take place but unregulated premises are the only place that it could happen.

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

It would be positive, and in line with a rights-based approach, to ensure that contact centre service users were always informed of their rights to have reasonable adjustments made if they have disabilities. This could be part of information made available to those coming to a contact centre for the first time. This should also include information about how they should raise concerns if they do not feel that appropriate steps have been taken to ensure compliance with duties under the 2010 Act.

**Question 10): These are the key areas we consider staff and volunteers in child contact centres working with children and families should be trained in under the proposed standards (other than staff or volunteers carrying out administrative or maintenance roles). Please rate each on whether you feel it should be: Required for all staff (except those in administrative roles), Desirable for some staff to complete, but not required for all staff, or Not required for any staff to complete.**

- **child protection** Required (including for administrative staff)
- **understanding domestic abuse, particularly the dynamic of coercive control** Required (including for administrative staff)
- **understanding the ways adults can influence a child** Not required for any staff
- **working with families in conflict** Required
- **responding to children's needs and behaviour** Required (including for administrative staff)
- **child development, including learning disabilities and developmental disorders** Required (including for administrative staff)
- **risk assessments** Required
- **parental mental health** Required (including for administrative staff)

- **drug and alcohol misuse** Required (including for administrative staff)
- **awareness of other services that are available for children and young people** Required (including for administrative staff)
- **proficient recording of contact** Required (suggest rephrasing this to be more rights- based)
- **reporting on contact** Required (suggest rephrasing this to be more rights- based)
- **observing supervised contact** Required
- **complaints handling** Required

**Do you have any further comments regarding your selections?**

Professionals must be fully trained in the dynamics of domestic abuse and the way in which perpetrators may use contact arrangements to continue to exert control. Training must also relate to child development, communication and trauma.

We noted previously that Relationship Scotland identified that there has been a significant increase in recent years in the complexity of issues faced by families using contact centres, including mental health and substance use. That must be reflected in the training provided.

We also note that administrative staff are exempt from some of the training. If administrative staff are working in the contact centre and/ or speaking directly to children and families, we strongly recommend that they are included in the training. We recognise that they may sometimes be the first point of contact for families, and may be able to provide compassionate, relationship-based support when circumstances may be difficult or challenging.

It is particularly important for administrative staff to be aware of the dynamics of domestic abuse, and to understand the way that perpetrators may exploit contact arrangements. In our supplementary evidence to the Justice Committee, we provided examples of this.

**Question 11) These are the areas we consider that it may be desirable for certain staff at the child contact centre to have training in depending on their role, but that these wouldn't necessarily be required as minimum standards under the regulations. Please rate each are on whether you feel it should be: Required for all staff as a minimum standard (except those in administrative roles), Desirable for some staff to complete, but not required for all staff, or Not required for any staff to complete.**

- **an introduction to trauma** Required (including for those in administrative roles).
- **adverse childhood experiences** Required.
- **positive transitions** Required.
- **attachment theory in child development** Required.
- **brain development** Desirable
- **working with families where English is not their first language** Required (including for those in administrative roles).

**Do you have any further comments regarding you selections?**

See comments above regarding those working in administrative roles.

**Question 12) These are the areas we would not plan to lay down as minimum standards under the regulations, but we would expect providers to ensure that members of staff have an awareness**

and understanding. For each area please indicate whether you Agree or Disagree with the proposed approach or if you Don't Know.

- health and safety
- equality and diversity
- confidentiality and disclosure of information
- anti-harassment and anti-bullying
- medication and nutrition
- disciplinary/whistleblowing
- practicalities of child contact centre management/admissions

**Do you have any further comments regarding your selections?**

We believe that if it is expected that staff have an understanding of these factors, in order to ensure this, they should also be included in minimum standards for training under the regulation.

**Question 13): Are there any other areas that should be considered for child contact centre staff training standards?**

We believe that, in addition to the areas outlined above, there should be specific training for staff and volunteers on children's rights, how to listen to children and young people (including young children), and how to give their views due weight

**Question 14): Do you agree/disagree with the proposed process for monitoring of training requirements?**

Agree.

**Question 15): Do you agree/disagree with the proposed process for raising complaints against a child contact service?**

An accessible and effective complaints system is outlined as an essential requirement for a rights-based approach by the United Nations Committee on the Rights of the Child (General Comment 5, 2003), and crucial in ensuring the safety of survivors of domestic abuse. This must be available to children as well as adults, and, crucially, those who complain must feel certain that they will be protected from any recriminations that might arise as a result of making a complaint.

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

See above.

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

We would suggest consulting the body of evidence and research on child-friendly complaints mechanisms and the international evidence relating to this. We would also suggest consulting with other bodies with complaints procedures that should be accessible to children, such as local authorities, the Care Inspectorate and with the Children's Commissioner.

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

The process outlined in the consultation paper seems to be fair and robust

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

An appeal to the Sheriff Court, rather than the Court of Session, appears proportionate

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

**a) the draft Business And Regulatory Impact Assessment** No

**b) the draft Child Rights and Wellbeing Impact Assessment** Yes. We suggest clearer reference is made to children's right to be safe and for their right to maintain relationships with the important people in their lives being upheld.

**c) the draft Data Protection Impact Assessment** No

**d) the draft Equality Impact Assessment** No

**e) the draft Fairer Scotland Duty Assessment** No

**f) the draft Islands Impact Assessment** No

**Question 21): Do you have any further comments?**

No.