



Protecting Children and Young People: **Framework for Standards**



Protecting Children and Young People:
Framework for Standards

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Framework for Standards

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Protecting Children and Young People: The Charter

The clear message from children and young people is:

As children and young people, we have a right to be protected and be safe from harm from others. When we have difficulties or problems we expect you to:



Get to know us

Speak with us

Listen to us

Take us seriously

Involve us

Respect our privacy

Be responsible to us

Think about our lives as a whole

Think carefully about how you use information about us

Put us in touch with the right people

Use your power to help

Make things happen when they should

Help us be safe

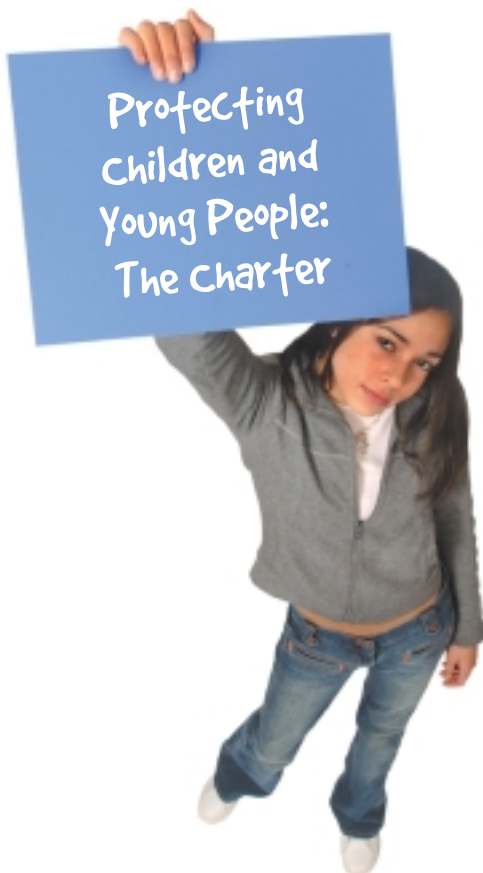


This is a message to all of us – politicians, communities, parents, families, neighbours; as well as police, health, social work, and education authorities; and people who work directly with children and young people – about what is important to them and how we go about helping to protect them.

About the **Charter**

Our pledge to the children and young people of Scotland who are at risk of abuse or neglect is that you will:

- get the help you need when you need it;
- be seen by a professional such as a teacher, doctor or social worker to make sure you are alright and not put at more risk;
- be listened to seriously, and professionals will use their power to help you;
- be able to discuss issues in private when, and if, you want to;
- be involved with, and helped to understand, decisions made about your life; and
- have a named person to help you.



and those helping you will:

- share information to protect you;
- minimise disruption to other parts of your life;
- work together effectively on your behalf;
- be competent, confident, properly trained and supported; and
- rigorously monitor services to continually improve how and what is done to help you.

To make sure these pledges are met for children and young people the Scottish Executive will:

- Publish a national, multi-agency Framework for Standards for child protection to translate the Charter into practice: March 2004.
- Work with agencies to raise community awareness of the need to help protect them and how to do this: from March 2004.
- Have assurances from the leaders of local authorities, health and police that they have reviewed their quality assurance systems to ensure continuous improvement in the services they provide: by May 2004.
- Ensure awareness of this Charter and the Framework for Standards amongst professionals in every Child Protection Committee area: by September 2004.
- Pilot approaches to multi-disciplinary inspection to check the Charter and Framework for Standards are being implemented across all agencies: from December 2004.
- Work with agencies and existing helplines to provide a 24-hour national child protection service: by 2005.
- Continue to work with agencies to help deliver real improvements in child protection building on the Charter and the Framework for Standards: by 2006.

We have committed to a programme of reform of child protection services and will work with professionals and agencies to help them deliver these pledges. We will review progress over time and take the necessary steps to make this happen.

It is for all of us to help children and young people to be safe.

About the Charter

- It sets out what children and young people need and expect to help protect them when they are in danger of being, or already have been, harmed by another person.
- It has been developed through talking to children and young people who have experienced the need to be protected and supported – but what they are saying is how any child facing difficulties could expect to be treated.
- The statements also reflect how children and young people should be expected to deal with each other and adults.
- The response to the 13 statements from children is a set of 11 pledges and an outline of work to be done to help deliver on these.
- The United Nations Convention on the Rights of the Child (UNCRC) sets out the wider rights of all children and young people.



Framework for Standards **Introduction**

Framework for Standards

Introduction

All children and young people in Scotland have the right to be cared for and protected from harm and to grow up in a safe environment in which their rights and needs are respected. The welfare of children is paramount.

Every adult in Scotland has a role in ensuring all our children live safely and can reach their full potential. Parents and carers have the most important role to play, whether living with their children or not. Other family members contribute greatly to a child's well-being. However, even happy children who are well cared for by their families sometimes need the support of other adults around them, for example, at times of family stress or illness, in the absence of a parent or when playing or doing other things outside their homes. Neighbours and members of communities play a vital role in protecting and supporting children.

As children grow and extend their horizons beyond their homes, organisations such as schools and youth groups have a particular role in safeguarding children and preventing harm occurring. They also educate children about risks and how these can be managed.

Duties to protect children are enshrined in law for some agencies, particularly the police and social work. However, everyone involved in working with children has a fundamental duty of care towards them. Agencies such as health and education as well as the police and social work services must recognise and manage the risks children face. They can also provide additional support or help to children who have been harmed to help reduce longer-term negative effects.

This Framework for Standards for child protection has been developed for children and young people, their parents and for all adults and agencies that work with children in Scotland. It is a means for translating the commitments made to children in the Charter into practice.

It sets out what each child in Scotland can expect from professionals and agencies to ensure that they are adequately protected and their needs are met. It also sets out what parents or other adults who may report abuse and neglect can expect.

The statements in the Framework take account of:

- the views of children and young people as expressed through the Charter;¹
- the principles of the United Nations Convention on the Rights of the Child (UNCRC);
- evidence of what works in protecting children including the findings from the Scottish Executive's review of child protection "It's Everyone's Job to Make Sure I'm Alright";²
- current research findings and evidence from the reviews of deaths of children;
- consultation with key stakeholders; and
- current legislation.

This Framework provides a basis for all agencies to develop effective safeguarding measures. Through raised awareness, good practice and robust systems and procedures, staff will be supported to ensure the care and protection of children. The Framework is being issued as part of a wider package of developments on quality assurance and standards which includes the Charter and proposals for multi-disciplinary inspection.

¹ Published by the Scottish Executive in March 2004

² Published in November 2002

Framework for Standards

Introduction

Further work will be done over the next 2 years to progressively describe different levels of performance, provide examples of evidence and how to get it. The overall package will inform the development of the inspection programme and will be reviewed in the light of developments and experience at the end of the 3-year child protection reform programme.

How this will work

This Framework for Standards forms part of a set of materials and activities which will be further developed, working with agencies, professionals and others, during the years 2004/2005. The overall package will include:

- Protecting Children and Young People: The Charter;
- this Framework for Standards;
- supporting materials which describe a level of performance against which existing practice can be reliably evaluated or measured; and
- supporting activities to assist in the implementation of standards across all agencies.

The Executive will work closely with agencies to support, draw together and share good practice across Scotland – both within individual agencies and between agencies.

This Framework for Standards has four main functions:

- it makes clear what children and their families can expect from those professionals and agencies responsible for the protection of children reflecting the commitments made to children in the Charter;
- it sets out the practice required from those agencies and professionals to deliver against those commitments;

- it provides a framework for agencies' own evaluation of their performance; and
- it will help inform the development of multi-disciplinary inspections of child protection services.

Who is this for?

The Framework is for children and their families. It is particularly for those children who, at some time in their lives, face difficulties which require the awareness, support and engagement of adults and professionals.

It is for all staff and agencies involved in the protection of children, both directly and indirectly. By that we mean Local Authorities, Police Services, Health Boards, Children's Reporters and agencies in the voluntary sector.

It applies to all staff and volunteers working with children or any adults who are parents or have significant contact with children. Examples include professionals working in criminal justice, adult mental health or drug and alcohol services.

If in doubt, agencies and professionals should assume that this Framework applies to them. They will need to determine, individually and collectively, individual responsibilities for contributions to meeting its requirements. These responsibilities or contributions will vary from child to child according to their circumstances, the child's needs and their relationships with professionals.

How will the Framework be used?

It will be used by agencies and professionals to help:

- reflect on practice and deliver the commitments made in the Charter;
- avoid duplication of effort;
- identify ways in which outcomes for children can be improved; and
- help to plan, as single agencies and jointly, for those improvements.

Implementing and developing the Framework for Standards will require considerable work within and between agencies to ensure we:

- all learn from and understand existing practice;
- identify what more needs to be done to deliver the level of services outlined in the Framework; and
- secure individual and collective responsibility and ownership for the further elements of the overall package to be developed.

The experience of agencies and professionals in seeking to assess their services against this Framework, together with the implementation of change and improvement, will itself provide the basis for much of this work.

The overall package will inform the development of future inspection of services, and agencies and professionals should be able to demonstrate that standards are being met.

Framework for Standards



Standard 1

Children get the help they need when they need it

- 1** Professionals can demonstrate that they:
 - prevent abuse by supporting vulnerable families and tackling problems early;
 - respond to the concerns of each child and their parents;
 - provide help promptly;
 - respond to changing circumstances; and
 - make sure the most effective alternative is found when the ideal service is not available.

- 2** Professionals:
 - work together to assess needs and risks;
 - share information;
 - jointly plan; and
 - demonstrate that services are provided in a co-ordinated way.

- 3** When in need of help, a child has a named person within an agency as their main contact.

- 4** When more than one agency is involved in providing help, one professional is identified to take the lead role in co-ordinating assessments, plans and reviews.

- 5** Professionals and agencies help parents to meet their children's needs but also ensure that each child receives the necessary help if their parents cannot, or will not, accept help on their behalf.

6

Professionals record and take account of:

- any disabilities of any family member which might influence the kind of help or care provided for each child; and
- each child or family's ethnic, religious, cultural and linguistic background.

7

In addition to meeting immediate need, professionals identify and provide the help needed to enable children to overcome the longer-term effects of abuse or neglect. The provision of necessary help will not be delayed pending legal or other processes.

Standard 2

Professionals take timely and effective action to protect children

- 1** All professionals who come into contact with children or adults caring for them:
 - recognise and are alert to the signs that children may need help or protection;
 - use their power to help; and
 - put people in touch with other professionals as necessary.

- 2** Mechanisms are in place to ensure professionals know what steps to take to deal with their concerns and demonstrate what action has been taken.

- 3** Where a concern is raised about a child, professionals:
 - see them;
 - establish their immediate well-being; and
 - take any necessary protective action.

- 4** If a child is in imminent danger, professionals take immediate action in line with legislative requirements and agency guidance.

- 5** To help think about the child's life as a whole, professionals actively seek information from other agencies or family members about each child and the adults caring for them, their history and their circumstances. Professionals can demonstrate they have understood the implications of the information for the child or children's well-being in whatever action they take.

- 6** Professionals within and across agencies working directly with, or on behalf of, children:
 - work together to assess levels of risk and protective factors in a child's life;
 - assess the family's capacity to protect each child; and
 - demonstrate that the protective action taken reflects the circumstances or characteristics of each child or their family.

- 7** Professionals plan enquiries or investigations jointly ensuring:
 - they gather the best evidence on which to make decisions and to support any subsequent legal proceedings; and
 - that the plans are sufficiently comprehensive and robust so that each child is not unnecessarily subjected to repeat enquiries, interviews or medical examinations.

- 8** Professionals ensure that information about concerns, risk factors and key events in a child's life are recorded and readily accessible in each child's file.

- 9** Professionals base their decisions on the fullest reliable information available but do not delay taking action for the sake of gathering more information.

- 10** Professionals take action to protect each child even when their parents may pose a risk to workers. Agencies ensure there are systems and support mechanisms in place to maximise staff safety in such situations.

Standard 3

Professionals ensure children are listened to and respected

- 1** Professionals get to know each child and build reliable relationships with them. Agencies ensure there is continuity and regularity of contact.
- 2** Professionals can demonstrate that they:
 - listen to, and take account, of the views of each child and those of their family or other adults close to them;
 - discuss issues in private when a child wants to do so;
 - enable each child and their parents to be involved in making decisions unless this compromises the child's safety or that of other children;
 - explain their actions and the reasons for them; and
 - help each child and their parents to understand the implications of the decisions that are being made.
- 3** Professionals do all they can to ensure each child and their parents, including those whose first language is not English or who find it difficult to communicate in words, can understand what is happening.
- 4** Professionals and agencies have systems in place to ensure that each child and their parents know how to question decisions and make complaints, and that those complaints are investigated and responded to.

Standard 4

Agencies and professionals share information about children where this is necessary to protect them

- 1** Professionals discuss any concerns and relevant information about a child or their circumstances with those other professionals or agencies with statutory responsibilities for the protection of children when it is in the child's best interests to do so.
- 2** The needs of each child are the primary consideration when professionals decide how best to share information. All decisions and reasons for them are recorded.
- 3** Agencies actively manage and support the sharing of information recognising that confidentiality does not prevent sharing information where a child is in need of protection.
- 4** Professionals ensure that parents and children are made aware of, and check it is understood, what information:
 - agencies hold;
 - how it is stored;
 - with whom it may be shared; and
 - under what circumstances information may be shared with others without their consent.
- 5** Professionals identify what information each child and their parents are content to share freely.
- 6** Professionals take account of each child and their parent's views when deciding when to share information without their consent and can provide reasons and explain to them when they have shared information without consent.
- 7** Agencies and professionals store information securely.

Standard 5

Agencies and professionals work together to assess needs and risks and develop effective plans

- 1** Taking account of the needs of the child and their parents, professionals, working together, ensure that assessments focus on:
 - needs and risks;
 - personal and family strengths;
 - support networks and resources available; and
 - the gaps that need to be filled and the resources and options to fill them.
- 2** Assessment reports clearly distinguish fact from opinion and provide evidence in support of opinions.
- 3** Children in need of care and protection have a plan which will meet their needs and protect them and is regularly reviewed.
- 4** Plans can clearly be seen to have been derived from assessments.
- 5** Professionals ensure that plans:
 - identify individual and family responsibilities;
 - identify the professional with the lead role in ensuring the co-ordination of work amongst professionals;
 - indicate expected actions and outcomes with timescales for their achievement;
 - identify action to be taken should the plan fail to protect the child or improve their situation within agreed timescales; and
 - detail monitoring and review arrangements.
- 6** Professionals are alert to, and respond to, new information, increased risks or lack of progress, and can demonstrate that any necessary action has been taken in the light of this.

Standard 6

Professionals are competent and confident

- 1** Professionals who work directly with children understand child development and are skilled and experienced in communicating with children.
- 2** Professionals:
 - understand the impact of parents' behaviour on the well-being of their children; and
 - know what action to take to protect the interests of each child, and make sure it is taken.
- 3** Professionals are:
 - knowledgeable and skilled in making informed assessments, plans and decisions;
 - able to account for their assessments and decisions and competently present these in court, at hearings or in meetings;
 - skilled in inter-agency working; and
 - understand the role and contribution of other professionals.
- 4** Professionals are equipped to deal with difficult situations including conflict. They are supported by their colleagues and agencies and there are systems in place to monitor this.
- 5** Professionals know the limits of their own knowledge and expertise and call on the skills of others or specialist services when needed. There is support and systems in place to help them know when and how to do this.
- 6** Professionals keep up to date with relevant legislation, research, good practice and guidance and agencies support them to do so.

Standard 7

Agencies work in partnership with members of the community to protect children

- 1** Professionals and agencies make children aware of their right to be safe and to be protected.
- 2** Agencies provide information about:
 - what professionals do to protect and care for children; and
 - who to contact when parents and members of the community have concerns and how to do this.
- 3** Agencies work with parents and the public to:
 - raise awareness about and promote the safety and protection of children;
 - support vulnerable families and raise children's confidence and self-esteem;
 - advise on how the community can help in the protection of children; and
 - have strategies in place to do so.
- 4** When members of the public raise concerns about children, agencies and professionals make sure that:
 - these are considered seriously;
 - any necessary action to protect each child is taken;
 - explanation is given on how concerns, including anonymous or confidential concerns, will be treated;
 - there are feedback arrangements to indicate that action has been taken; and
 - advice is given on how the person who raised the concern may be able to continue to help to protect the child.
- 5** Agencies with a statutory responsibility for the protection of children have systems in place to allow personal contact with a professional 24 hours a day, 7 days a week, and can demonstrate that help or advice is available when parents or members of the community seek their help.
- 6** Agencies and professionals teach children how to keep themselves safe and encourage them to do so.

Standard 8

Agencies, individually and collectively, demonstrate leadership and accountability for their work and its effectiveness

- 1** The needs and risks for the child come first in all professional decision making. Agencies have in place:
 - policies;
 - procedures;
 - systems;
 - structures; and
 - resources and personnel to support this.
- 2** Agencies rigorously monitor and review their work in protecting children and implement steps which lead to continuous improvement.
- 3** Agencies demonstrate they understand the needs of the communities they serve and direct sufficient resources to services for the care and protection of children.
- 4** Agencies have systems and policies in place to share information within and across agencies or professionals.
- 5** Agencies actively promote joint working through joint planning, training and monitoring arrangements. Agencies are responsible for ensuring that their staff work with other professionals to achieve better outcomes for each child.

Standard 8

Agencies, individually and collectively, demonstrate leadership and accountability for their work and its effectiveness

6 Agencies seek to ensure that their staff are effectively and relevantly trained and that they are:

- supported;
- supervised; and
- accountable in their work.

Staff and managers adhere to their relevant codes of conduct.

7 Agencies seek to ensure they have access to a sufficient range of expertise and services to meet the care and protection needs of children.

8 Agencies ensure that staff are adequately protected from violence and aggression and that in undertaking their duties the risks to both the professional and children are minimised.

9 Agencies have robust information systems that effectively account for the work of their staff and have systems to support the monitoring and review of outcomes for the child.

10 Agencies have quality assurance mechanisms to ensure that standards are met and that this can be demonstrated.



Annexes

Glossary of terms

For the purpose of this document:

Abuse

A deliberate act of ill treatment that can harm or is likely to cause harm to a child's safety, well-being and development.

Agencies

Organisations in the statutory or voluntary sector where staff, paid or unpaid, work with or have access to children and/or families. This includes, but is not exclusive to, social work, health, education and the police.

Child

Is a person under 16 years of age. It is also a young person over 16 years of age with special needs who requires help from statutory agencies in order to be protected.

Concern

A suspicion or a belief that a child may be in need of help or protection.

Infer-Agency

Where more than one agency is working together.

Neglect

Failing to provide for, or to secure for a child the basic needs of food, warmth, clothing, emotional security, physical safety and well-being.

Parents

Includes those who have parental rights as defined in law and those who have care of a child. For example, foster carers and co-habitees.

Partnership

Where more than one person, group, agency, professional or community are working together and share responsibility for decisions and actions.

Professionals

Staff who work directly or indirectly with children and/or families and can include, but is not exclusive to, police officers, doctors, nurses, teachers, nursery staff, social workers, therapists, dentists, youth leaders, leisure and recreational workers, housing staff and staff who work in criminal justice, mental health or drug and alcohol services. In many cases the term 'professionals' may mean volunteers in contact with children.

Protective Action

Action taken to protect a child from harm now and in the longer term.

Protective Factors

The personal, family and community strengths that together can help protect a child.

Risk

Exposure to identified harm.

Statutory responsibilities

A responsibility enshrined in legislation and/or regulation.

What to do if you are concerned about practice

Each agency has its own complaints procedure. Anyone who feels that practice falls short of the expectations outlined in the Framework should raise the issue with the agency responsible for the service.

For example they can complain to:

- the Chief Executive of their National Health Service Board;
- the Chief Executive of the Local Authority;
- the Director of Education;
- the Director of Social Work;
- the Chief Constable;
- the Chief Executive of the voluntary organisation providing services;

or to bodies that regulate staff such as:

- the Scottish Social Services Council (social care and social work staff);
- the Nursing and Midwifery Council (nurses and midwives);
- the General Teaching Council for Scotland (teachers);
- the General Medical Council (doctors).

Annex C

Relevant legislation

This Framework for Standards is drawn up in accordance with current legislation and regulation which may be periodically subject to change and reform.

A number of Acts of Parliament govern the work of public bodies and this Annex provides a brief summary of the main legislative provisions. It identifies those Acts that require or enable agencies or professionals to secure help for children who are at risk of or have been abused or neglected. It also identifies those Acts which protect the rights of children or their parents when agencies take action.

It is not intended to be a comprehensive legal guide. In this Annex references to Acts in so far as possible are references to the amended versions of the legislation.

Legislation and practice in child protection are underpinned by principles derived from Articles of the United Nations Convention on the Rights of the Child, ratified by the UK Government in 1991. These principles are:

- each child has a right to be treated as an individual;
- each child who can form a view on matters affecting him or her has the right to express those views if he or she so wishes;
- parents should normally be responsible for the upbringing of their children and should share that responsibility;
- each child has the right to protection from all forms of abuse, neglect or exploitation;

Relevant legislation

- so far as is consistent with safeguarding and promoting the child's welfare, public authorities should promote the upbringing of children by their families; and
- any intervention by a public authority in the life of a child must be properly justified and should be supported by services from all relevant agencies working in collaboration.

The Children (Scotland) Act 1995

This is the main piece of legislation relevant to the protection of children in Scotland and its main principles are:

1. The welfare of the child is the paramount consideration when his or her needs are considered by Courts, Children's Hearings and Local Authorities.
2. No Court should make an Order relating to a child and no Children's Hearing should make a supervision requirement unless the Court or Hearing considers that to do so would be better for the child than making no Order or supervision requirement at all.
3. The child's views, taking appropriate account of age and understanding, should be taken into account where major decisions are to be made about his or her future.

The Act enables any person to give information to the Reporter if they believe that compulsory measures of care may be necessary to protect a child and requires police and local authorities to do so. It also enables any person to apply to a Sheriff for a Child Protection Order if they are concerned that the child is suffering or is likely to suffer significant harm.

A local authority can apply to a Sheriff for a Child Assessment Order if they need an assessment to establish if a child is at risk of significant harm and it is unlikely that the assessment can be carried out without a court order. A local authority can also apply to the sheriff for an Exclusion Order to exclude a named person from a child's home if that person is likely to cause significant harm to the child.

The Data Protection Act 1998

All those involved with children are likely to hold personal information about them, including sensitive personal information. The Act covers how personal information about living, identifiable people is to be protected. All organisations that hold or process personal data must comply. The Act requires that data is gathered and processed fairly, is held securely and is used solely for the purpose for which it was collated.

Relevant legislation

Data controllers must be aware of the protections and safeguards which are afforded by the Act but must also be aware of the wider context. For example, the Act is interpreted in the light of Article 8 of European Convention on Human Rights which guarantees the right of each person to respect for his private and family life, his home and his correspondence, as well as any relationship of confidentiality. At the same time those holding such information must balance the rights and freedoms of others, the interests of public safety, the protection of health and morals and the prevention and detection of crime all of which may relate to protecting children, so that there may be circumstances in which the disclosure of information, which would ordinarily be protected, is necessary and justifiable.

The Age of Legal Capacity (Scotland) Act 1991

Children under 16 do not normally have legal capacity but this Act identifies the circumstances in which children can act in a way that is legally competent. The Act specifies when children and young people can consent to medical treatment or instruct a solicitor.

Social Work (Scotland) Act 1968

The Act places a duty on local authorities to “promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for their area”

National Health Service (Scotland) Act 1978

The Act imposes a duty on Scottish Ministers to provide a comprehensive and integrated health service to promote physical and mental health and to provide for the prevention, diagnosis and treatment of illness, and to set up health boards to deliver these services.

The Act includes a duty on health boards, local authorities and education authorities to co-operate with one another to secure and advance the health of the people of Scotland. It also imposes a duty on Scottish Ministers to provide medical inspection services and supervision of the health of school children and for health boards and education authorities to encourage and assist pupils to take advantage of the facilities provided.

The Education (Scotland) Act 1980

The Act provides a link into section 39 of the 1978 Act for Education Authorities to encourage pupils to make use of medical facilities provided. Where a child has not attended for routine medical inspection and an education authority has concerns about that child's health, the authority can require parents to submit their child for medical examination.

Additional Support for Learning Bill

The Bill which is presently before the Scottish Parliament proposes to create a duty for education authorities to make arrangements to identify those children and young persons within their area for whose school education they are responsible, who have additional support needs, so that without the provision of additional support, they are or are likely to be, unable to benefit from school education. It also proposes a duty for other appropriate agencies such as local authorities, health boards and others to help the education authority in providing that additional support to such children and young persons.

The Housing (Scotland) Act 1987

The Act requires local authorities to treat homeless persons with dependent children, those under 21 years of age and those who are over 16 who have been looked after, have been in care or have been subject to a supervision order as having a priority need for accommodation. When carrying out their duties under the Act authorities must have regard to the best interests of the child/children when considering the needs of homeless families and must ensure accommodation is suitable for their occupation.

Foster Children (Scotland) Act 1984

The Act requires each local authority to secure the welfare of children in their area who are fostered (including those who are privately fostered) and to visit and give advice on care and maintenance of those children. The local authority can inspect premises, impose conditions and remove children from unsuitable surroundings or carers.

The Police (Scotland) Act 1997 and The Protection of Children (Scotland) Act 2003

There are a number of measures to protect children from those who are unsuitable to work with them. One of the measures available is the disclosure checks which are used by employers to check the suitability of any prospective employee. Applications for disclosure certificates are made to Disclosure Scotland, which is part of the Scottish Criminal Records Office, under The Police (Scotland) Act 1997. The certificates issued will include relevant information on criminal convictions. They will also include information from the List to be established under The Protection of Children (Scotland) Act 2003 when this Act is brought into force on individuals unsuitable to work with children.

The 2003 Act provides that a person working in a child care position (paid or unpaid) will be referred to the List by their employer (or other specified bodies) if he or she harms a child or puts a child at risk of harm and is dismissed, resigns or is moved away from access to children as a consequence.

Relevant legislation

Those convicted of offences against a child will be referred to the List by the courts. Once an individual is on the List, he or she will commit an offence if they apply to or work with children and it will be an offence to knowingly employ someone who is disqualified from working with children.

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