

WHY DO WE HAVE SUCH STRONG REGULATORY FRAMEWORKS IN SCOTLAND?

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To answer this question, we need to look at the historical basis for the establishment of the regulatory bodies in Scotland and, before devolution, the UK wide legislation and reviews which led to measures to try to improve the safeguarding of children and young people.

There is very distressing material linked to here and we are not expecting that this is all read, of course, the focus on regulation, and historical evidence, is to understand why children and young people need protected from abuse, neglect or poor standards of care, through the various legal frameworks covered here.

Brief historical overview

[Children Act 1989 \(legislation.gov.uk\)](http://legislation.gov.uk)

Prior to the establishment of Disclosure Scotland, The Care Inspectorate and the Scottish Social Services Council, regulatory oversight of Child minding and Day Care of Children was carried out by local authorities for services for children aged 8 or under. Clubs and activities, including childcare, for those aged over 8 were not regulated, although many could be part of a larger body, such as uniformed organisations which may have their own codes of conduct and vetting systems.

The Cullen Report

[3386.pdf \(publishing.service.gov.uk\)](#) This is a link to the Cullen report, the enquiry into the shooting at Dunblane Primary School on Wednesday 13 March 1996, by Thomas Hamilton, which resulted in the deaths of 18 people, young children and their teachers.

The publication of this report (with its quite weak recommendations for a voluntary register of people who work in trusted positions with children) was overtaken by political and constitutional change in that the Labour party came into power in the UK 1997 having promised widespread reforms in light of the need for gun control and better systems of child protection.

The report shows that for many years Thomas Hamilton ran "boys clubs," with dubious practices, and was not prevented from setting up residential camping trips where he often had sole access to young boys in his care.

Despite the fact that senior registration officers in many local authorities had serious misgivings about allowing school or community lets to Thomas Hamilton, they were powerless to stop him setting up clubs in school premises. When the Scouting Association excluded him from the scouts they were subjected to years of accusations of a "witch hunt" by Hamilton.

Parents now, and back then, do not necessarily know about whether a service is regulated or not, but many would have assumed since the club is run in the school, that it is a safe space for their children and that "somebody" had checked the credentials of the club leader.

Devolution 1999

This political change also led to the re-establishment of the Scottish Parliament with many powers previously held centrally with the UK Parliament now devolved to the new Parliament in Scotland.

The Late 90s and early 2000s was a time of radical change and massive investment in all forms of childcare; there was both a national childcare strategy and a Scottish Childcare Strategy, there was over £30 million

Page | 2 pounds investment through the New Opportunities Fund to expand school age childcare, alongside commitments to provide a permanent offer of what was then called early education for under-fives.

At the same time new help for families with the costs of childcare through the form of UK tax credits were introduced. Prior to the establishment of the new regulatory bodies, SOSCN was funded by the Scottish Government to deliver a quality assurance scheme (then called Aiming High Scotland) so that services could be accredited through this scheme in order for parents to have some regulation of childcare for which they claimed tax credits.

The Care Inspectorate and Scottish Social Services Council were set up through the regulation below and offered the definitions of day care which are still in place today.

[Regulation of Care \(Scotland\) Act 2001 \(legislation.gov.uk\)](http://legislation.gov.uk)

(20) “Day care of children” means, subject to subsections (21)(b) to (25) below, a service which consists of any form of care (whether or not provided to any extent in the form of an educational activity), supervised by a responsible person and not excepted from this definition by regulations, provided for children, on premises other than domestic premises, during the day (whether or not it is provided on a regular basis or commences or ends during the hours of daylight).

(21) For the purposes of—

(a) subsection (17) above, a person does not act as a child minder;

(b) subsection (20) above, a person does not provide day care of children,

unless the period, or the total of periods, during which the service is provided exceeds two hours in any day.

(22) Where a person provides a service for children in particular premises on less than six days in any year, that provision is not day care of children for the purposes of subsection (20) above if the person has notified the Commission in writing, before the first occasion on which the service is so provided in that year, of the intention so to provide it.

(23) In subsection (22) above, “year” means the year beginning with the day on which the service is (after the commencement of this section) first provided in the premises concerned; and thereafter any year beginning with the anniversary of that day.

(24) For the purposes of subsection (20) above, a service which consists of looking after children who are patients in a hospital and is provided as part of the medical treatment which they are receiving there is not day care of children.

(25) For the purposes of subsection (20) above, a person does not provide day care of children where—

(a) the children are of school age;

(b) the service is provided—

(i) wholly or mainly in a public, independent or grant-aided school; and

(ii) as part of the school’s activities; and

the person is—

(i) the education authority managing the school

(ii) the person carrying on the school; or

(iii) a person employed to work at the school and authorised to provide the service as part of the school's activities.

(26) Expressions used in subsection (3)(b), (4) or (25) above have the meanings given by section 135(1) of the Education (Scotland) Act [1980 \(c. 44\)](#)."

The newly formed Care Commission took over regulation from local authorities in April 2002.

Divergence in Scotland/ England

After the Labour party lost power in the UK to the Conservative party, they still remained in power in Scotland, in partnership with the Lib Dems up to 2007. England then followed a path of de-regulation of school age childcare, with relaxation of training and qualifications, retaining regulation only for children aged 8 or under, and light touch requirements for services for children over eight. Staff child ratios were relaxed to the extent it is possible now for one person, unqualified, to look after 30 children. We believe there still will be many services in England trying to deliver professional care and striving to obtain relevant qualifications, despite not having to do so.

Scotland continued on a tighter regulatory path; with staff and volunteers who worked with children required to undertake Disclosure checks for previous criminal convictions, as well as services meeting registration standards and staff required to register with the SSSC and to gain specific qualifications for their roles as directed by the SSSC.

Work had already started in 2007 to create a new Standard for Childhood Practice which would require all lead practitioners in childcare to obtain degree level qualifications. However, alongside all of these additional regulatory requirements was a continued investment in childcare, up to 2007, there was at least £40 million per year investment in childcare in Scotland, including ring fenced funding to pay for new qualifications' requirements.

From 2007 with more political change in Scotland, and a worldwide recession in 2008, for school age childcare, most funding support from government and local authorities disappeared, but regulation continued to get tighter.

There are long term consequences of the deregulated approach in England and the much tighter regulatory systems in Scotland. With sometimes even parents volunteering once to help on school trips being put forward for disclosure checks, in recent years Disclosure Scotland has set out plans to reform requirements for the register, which had a significant percentage of the adult population on it, as few people ever left the register, despite no longer having a role in care.

[Disclosure \(Scotland\) Act 2020 – mygov.scot](#) sets out plans to reform the register.

Unregulated Services

The laxer regime in England, however, demonstrates how too light touch leads to poor outcomes for children and extremely poor practice in some cases, as this article from the 5th of May 2022 demonstrates.

[Scores of safeguarding complaints at after-school clubs - BBC News](#)

Page | 4 This BBC report on 5th May 2022 found that “Many after-school clubs are not regulated as providers in England do not need to register with Ofsted unless they offer childcare for more than two hours.

They can register voluntarily with Ofsted in England but only 10% are inspected a year, meaning they may not be inspected for nearly a decade.

BBC News has learned of 84 safeguarding referrals made about incidents at after-school clubs in the past five years in England and Wales from freedom of information requests to local authorities.

These included an allegation of sexual abuse potentially involving multiple children at an after-school club in Devon and separate allegations of neglect, physical harm and unexplained bruising elsewhere. One child was found to have been dragged across a room by a staff member in Southampton.”

Historical Revelations of child abuse

- [independent-review-of-sexual-abuse-in-scottish-football-final-report-1.pdf \(scottishfa.co.uk\)](#)
- It is only in recent years that sporting agencies such as the Scottish FA or Sports Scotland have appointed safeguarding officers and provide proper child protection training. The independent review of sexual abuse in Scottish football uncovered the testimonies of brave men who had experienced such abuse mainly around 30 years ago. However, the review had to delay full publication until 2020, as there were, in 2018, also current cases under investigation, including the first girls making complaints.
- The review has made nearly one hundred recommendations. In sampling current child safeguarding policies in football clubs the reviewers found that policies were often just cut and paste from templates of other organisations, people given the role of safeguarding merely thought they just had to oversee PVG checks, and a most worrying finding was that many policies were more about protecting the club's reputation should there be an allegation of abuse, rather than the safeguarding of children for whom they have a duty of care.
- [Case Study Findings - PDF version — Scottish Child Abuse Inquiry](#) This inquiry is ongoing and is related to recent legislation on public redress for those who were abused as children in care. [Scotland's Redress Scheme - gov.scot \(www.gov.scot\)](#)
- **Getting it Right for Every Child** emerged from findings of several enquires where gaps in communication between professionals with a duty to safeguard children e.g., social workers, health professionals and teaching staff led to many children being left unprotected from neglect and abuse by parents or carers. Historical documents:
 - Laming, L (2003) The Victoria Climbié inquiry: report of an inquiry by Lord Laming (PDF). Norwich: The Stationery Office (TSO). [\[ARCHIVED CONTENT\] \(nationalarchives.gov.uk\)](#)
 - Scottish Executive (2002) It's everyone's job to make sure I'm alright: report of the Child Protection Audit and Review. Edinburgh: Scottish Government. [https://www.gov.scot/Resource/Doc/47007/0023992.pdf \(webarchive.org.uk\)](https://www.gov.scot/Resource/Doc/47007/0023992.pdf)

Discussion of evidence of child abuse and the development of systems and standards to prevent it

Most parents and carers want to do the best for their children, and most organisations which provide services for children provide good enough and safe care for children, however all of this historical evidence and up to the present day shows that children are not always protected well from adults or other children who might harm them.

The historical evidence demonstrates the extent of exploitation of positions of trust with children, people who were their "house parents", Religious resident teachers, care support staff in institutions for the most vulnerable children, football coaches and ground staff, with evidence in some of the cases of organised abuse between groups of men connected to each other and with access to children they could isolate from others.

Those who gave evidence also stressed that emotional abuse, name calling, bullying and coercive control affected them just as strongly as physical and sexual abuse. Cultures of fear, with other adults not believing the children if they disclosed abuse, or fear so strong that children stayed silent and endured it, happened across generations in these institutions.

Trauma informed practice training shows us how Adverse Childhood Experiences (ACEs) remain with people long after that experience in itself, and it is written into the response of the mind and body to dealing with that pain. The long-term effects of these experiences have led to addictions, self-harm and even suicide, and it is also significant that a high proportion of offenders in prison experienced a traumatic and difficult childhood.

Society overall bears the cost of the trauma inflicted on children by this significant minority who choose to abuse their positions of trust in children's lives.

[Trauma-informed practice: toolkit - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations/web_publications/trauma-informed-practice-toolkit/)

"Trauma-informed organisations assume that people have had traumatic experiences, and as a result may find it difficult to feel safe within services and to develop trusting relationships with service providers. Consequently, services are structured, organised and delivered in ways that promote safety and trust and aim to prevent retraumatisation."

"As part of this reconceptualisation of services, organisations will need to reframe complex behaviours as potential responses to trauma related triggers and will be required to prioritise the building of trusting, mutual relationships above all else." Extracts from Introduction.

What is also interesting about the testimonies of those who experienced abuse as children are those who still managed to go on to lead happy fulfilling lives. This is resilience and in our training work on this topic it is clear that at some stage in their lives some of those children found at least one or more adults they could really trust.

It is also important to point out that Adverse Childhood Experiences can be no-one's "fault." Living in poverty, bereavement, divorced parents, the recent pandemic and associated health measures can all be adverse childhood experiences.

The key principles of Trauma Informed Practice include:

- Safety
- Trustworthiness
- Choice
- Collaboration
- Empowerment

For more information on this topic

[nesd1334-national-trauma-training-programme-online-resources_0908.pdf](#)
(transformingpsychologicaltrauma.scot)

Page | 6 All institutions involved, including the Scottish Government, have issued firm public apologies to the adults who experienced abuse in care, or taking part in training for sports, and in religious educational establishments.

Whilst bearing in mind, all of the historical reasons behind the development of quite complex systems to keep children safe and developing well and happy in services for them, there is a balance to be made in terms of proper oversight, and over wieldy and complex regulatory systems.

We believe, especially in terms of using significant public funding, that more oversight is needed for activities services for children and young people, than just ensuring staff and volunteers are put through the PVG Disclosure Scheme, with a "safeguarding" policy somewhere in the office.

We know many decent quality but unregistered play or care services, will have trained, professional staff, who are fully committed to the development and support of the children and young people they work with. They will also have knowledge of many of the topics that regulated services are required to cover, but our point here is no-one is checking for that, so indeed this makes the good quality unregulated services at a disadvantage as a very poor-quality service can claim to be on the same level playing field as the other.

The sheer number, and this is unknown of voluntary "activities" services if brought into the full regulatory framework, would also be overwhelming to the registration bodies.

CURRENT REQUIREMENTS FOR REGULATED SERVICES

Care Inspectorate

Out of school care services are registered, inspected and graded by the Care Inspectorate. The Care Inspectorate also deal with complaints and take action to improve quality of services; in exceptional circumstances, they can also close services which are of consistent poor quality or expose services users to risks.

Services are inspected against (June 2017) [Health and Social Care Standards: My support, my life.](#)

These Health and Social Care Standards set out what we should expect when using health, social care or social work services in Scotland. They seek to provide better outcomes for everyone; to ensure that individuals are treated with respect and dignity, and that the basic human rights we are all entitled to are upheld.

The Standards are underpinned by five principles; dignity and respect, compassion, be included, responsive care and support and wellbeing.

The Standards are based on five headline outcomes:

- I experience high quality care and support that is right for me.
- I am fully involved in all decisions about my care and support.
- I have confidence in the people who support and care for me.
- I have confidence in the organisation providing my care and support.
- I experience a high-quality environment if the organisation provides the premises.

The Care Inspectorate grade services on a scale of 1 - 6 (unsatisfactory to excellent). Those services which are deemed to be “low-risk” overall: level 4 or above will not have annual inspections, whereas those that are high-risk: 3 or below will have annual inspections. Low-risk services will have at least one inspection within a 36-month period.

REGULATION OF THE OUT OF SCHOOL CARE WORKFORCE

Out of school care services are registered with and regulated by the Care Inspectorate; all employees within out of school care services are recognised as social care workers and as such they must register with the Scottish Social Services Council.

Workers are required to have a designated qualification appropriate to the job level, if they do not have this, then registration will be granted on the condition that the qualification is achieved within 5 years.

New workers have 6 months from their start date to register with the SSSC.

Once registered workers are expected to undertake annual Post Registration Training and Learning (PRTL).

SSSC Codes of Practice

The SSSC has codes of practice which should be adhered to by employers and employees- for information on these codes, please follow the link below:

SSSC Codes of Practice can be found here:

<http://www.sssc.uk.com/about-the-sssc/codes-of-practice/what-are-the-codes-of-practice>

Lead Practitioner Registration/Qualification Requirements

The Lead Practitioner is the manager of the service, and probably also the named contact registered with the Care Inspectorate. The SSSC define managers/lead practitioners in the following way:

“Managers/lead practitioners in day care of children services are defined as workers who hold responsibilities for the overall development, management and quality assurance of service provision including supervision of staff and the management of resources; this is usually the person who is the named manager with the Care Inspectorate.”

Since 1 December 2011, when registering or re-registering with the SSSC, Lead Practitioners should be qualified to, or working towards qualification at, a Level 9 qualification in Childhood Practice: this could be a BA in Childhood Practice, Post Graduate Diploma in Childhood Practice or the SQA Professional Development Award (Level 9) in Childhood Practice. This is a degree level qualification.

Further information on Lead Practitioner qualification requirements:

[information for managers](#)

Further information on the Childhood Practice Award:

[Childhood Practice Award](#)

The Standard for Childhood Practice:

Practitioner Registration/Qualification Requirements

Practitioner must be registered with the SSSC and are defined as:

“workers who identify and meet the care, support and learning needs of children and contribute to the development and quality assurance of informal learning activities and/or curriculum. They may also be responsible for the supervision of other workers.”

Practitioner qualification requirements:

[information for practitioners](#)

Support Worker Registration/Qualification Requirements

Support workers in out of school care will mostly and at least, be qualified to SVQ2. Further information on qualification requirements for support workers:

[information for support workers](#)

PROTECTING VULNERABLE GROUPS (PVG) SCHEME

If you are an employer and your business involves working with children or protected adults, your employees may be eligible for the Protecting Vulnerable Groups (PVG) scheme. The type of work that the PVG Scheme applies to is called '[regulated work](#)'.

[PVG scheme](#)

PVG is a membership scheme which makes sure its members are allowed to work with children or protected adults.

If your organisation employs staff in regulated work and they are involved in conduct that harms children or protected adults or places them at risk of harm, by law, you may be required to make a [referral to Disclosure Scotland](#).

UNREGULATED SERVICES

Do not provide childcare, even if parents use them as such, they cannot provide childcare if they operate for more than two hours a day and 6 days a year. If they call this childcare, then legally they should register with the Care Inspectorate under “Daycare of children” and staff would then be required to register with the SSSC. It is important to point out that if activities and food etc. are run by the school itself then, since they are regulated under different systems, they do not need to register as childcare. There are also services which fall through gaps because they may be providers of all age care for children and adults with disabilities, then they may register with the Care Inspectorate as a “support service.”

There are also very worthwhile services which strive to provide quality activities for children such as Forest schools, or play rangers, or drop-in play centres, and a full range of sporting or arts activities that children and young people enjoy. However, the key difference between regulated and unregulated services is that there is no legal oversight of unregulated services; no-one is checking the child and staff ratios, the staff skills and qualifications, the space and the programmes on offer for quality. Apart from a PVG check, there

Page | 9 is no oversight of whether the child protection/safeguarding policies in place are sufficiently robust, with staff trained in them.

The investigation into historical abuse in football (Scottish SFA 2020), for example, found that at present, the designated “safeguarding” person in many football clubs of all types, felt that their own responsibility was to make sure new staff or volunteers got a PVG check. As already mentioned, the same study found that child protection policies were often cut and paste from other organisations and some policies were more about protecting the club’s reputation in case of “allegations of abuse” rather than putting their duty of care to children and young people first.

DISCUSSION

There is no doubt that good quality activities can contribute well to supporting children and young people often excluded from taking part through the prohibitive costs of equipment, travel etc. What we need is to find a way, short term, to ensure that children taking part are kept safe and staff or volunteers with proper knowledge of child development are involved, and longer term to reform the whole regulatory system so that the stark differences between the highly regulated school age childcare services and the noticeably light touch regulation of activities are addressed.

We believe partnerships between the regulated services and the unregulated activities services are the way to address these issues in the short term e.g., for summer holiday and food programmes, the regulated service could be the primary childcare for the children involved but they can take and oversee groups of children to the activities on offer, or the activities provider delivers them at the site of the school age childcare provider. We have this model ourselves where our physical activities co-ordinator offers football coaching sessions on site at school age childcare services in the summer holidays. Local authorities have a strong role to play in coordination of this and in opening up schools, community venues, kitchens, equipment etc., so that services can provide the fully joined up offer of play, care and learning, food and access to a wider range of activities delivered by skilled coaches etc.

Regulatory Reform – current activities

Disclosure Scotland will be moving towards a streamlining of the register in the future, given the overwhelming numbers of disclosure records which are no longer required but have not been removed. They will be moving to fewer types of checks and a mandatory renewal process every 5 years.

- Skills Development Scotland are examining the contents of qualifications for early years and childcare workers in terms of those currently required for registration with the Social Services Council to assess how and if they need to be updated or changed.
- The SSSC are meanwhile consulting on streamlining their register, with a view to making qualifications more interchangeable across various parts of the register.
- The Scottish Government is proposing to set up a National Care Service, and it is not yet clear what functions or sectors currently under the Care Inspectorate regime will move to that new body.
- There has been also consultation on behalf of the Care Inspectorate, on updating the underpinning definitions of daycare which have remained largely the same since 2001.

Longer term reform to the regulatory frameworks could, in our view, be an opportunity to assess regulation of school age childcare and the current narrow suite of qualifications allowed, so that, as we expand the

Page | 10 sector, new regulation is proportionate, and a wider range of staff with specialist skills are able to be welcomed, again in a broader and more diverse landscape for all.

Children and young people need to be safeguarded from harm, while developing new skills, being cared for accessing a wide range of experiences which bring them joy and happiness. Given that the priority groups for the new school age childcare framework are already experiencing adversity through child poverty, we cannot risk adding further adversity.

It is important to re-iterate that by including unregistered activity services in the expansion of school age childcare, the professional standard of registered school age childcare is not being recognised, and despite parents using activity services as childcare this is not childcare, this is respite support- it does not provide guaranteed regular childcare to meet working, training or educational hours for parents. Furthermore, if the aim of the expansion is to support lowest-income families, parental employability is therefore a potential outcome, so parents will potentially at some point be expected to pay for childcare meaning they will have to access universal credit or the tax-free system which is only available to be used in registered childcare services.

If unregistered activity services are to be included in, and receive funding through, the expansion of school age childcare, SOSCN believes they must be working in partnership with registered services and that the registered service is the lead organisation. We believe this is the only way to ensure the best possible outcomes for children and young people.

Scottish Out of School Care Network, 30th May 2022

APPENDIX: FUNDAMENTAL LEGISLATION

Fundamental legislation relevant to good practice in regulated and indeed unregulated children's services are the UN Convention on the Rights of the Child, Getting it Right for Every Child (GIRFEC), Scottish Government, and National guidance on Child Protection, Scottish Government (2021). This is further strengthened by The Children (Scotland) Act 2020.

UNCRC

[UN \(United Nations\), 1989, Convention on the Rights of the Child of the Child, UN General Assembly A/RES/44/ 25](#)

The UNCRC is a universally agreed set of non-negotiable obligations and standards. These basic standards, which are human rights, set out minimum entitlements and freedoms for children that should be respected by governments. They are founded on respect for the dignity and worth of each individual, regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to every human being everywhere. With these rights comes the obligation on both governments and individuals not to infringe on the parallel rights of others. The definition of a "child" for the UNRC is under the age of 18.

UNCRC TRAINING TOOL

You can download a ten-minute training tool called 'Introducing Children's Rights'.

This tool helps you to gain an understanding of children's rights, rights frameworks (e.g., UNCRC) and rights-based legislation (e.g., the Children and Young People (Scotland) Act 2014).

[UNCRC Training Tool - PowerPoint presentation \(.pptx\)](#)

Children's rights in the UNCRC are often divided into three or four groups, described as the three or four p's. The three are: Provision, Protection and Participation, with sometimes Prevention added as the fourth.

Provision - Right that enable children's growth and development including rights to adequate housing, food and education, and this can include the childcare and play, leisure, arts and recreation provision (See also general comment 17 below), provided by out of school care services.

Protection - These protect children against exploitation and abuse and allow intervention when occur. For example, children who are abused at home can be removed by the state.

Participation - Rights that enable children to take part in decisions that involve or affect them, and this also includes the right to an opinion.

Prevention - Enable systems to be put in place to protect children from abuse or infringement on their rights. These include the right to legal representation.

GETTING IT RIGHT FOR EVERY CHILD (GIRFEC)

[Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](#)

GIRFEC is the national approach to supporting every child in Scotland and ensuring their wellbeing regardless of circumstance, and that any additional support from external agencies is timely, appropriate and specific to each child and their situation. Children's rights, specifically the United Nations Convention on the Rights of the Child (UNCRC) as well as parents' rights are the drivers behind this approach.

GIRFEC can relate to small individual interventions of support as well as larger multiple agency ones which improve a child's wellbeing and ultimately life experiences and outcomes. Many children will not require any additional support; others may need a little; others will need some for a short a period of time, and others will need consistent and longer-term support which may also involve their family. Children's and families' circumstances and needs can change with little notice - it is the responsibility of people working with children to be aware of signs that a child or family need additional help. Families and children should also feel confident that they can ask professionals for help.

It should be highlighted here that whilst GIRFEC can be about identifying signs of neglect or abuse, it also relates to diagnosed/undiagnosed medical or health conditions, bullying, anxiety, impact of bereavement or family splits etc- anything which is adversely impacting on a child's wellbeing.

GIRFEC AND CHILD PROTECTION

Of course, GIRFEC and Child Protection are linked, however one of GIRFEC's aims is to try and identify issues at an early stage (early intervention) and thereby hopefully minimising the risk of an issue developing into what could be a child protection issue.

Child Protection procedures must always be used when a Child Protection case is suspected.

PROFESSIONAL RESPONSIBILITY - 5 PRACTITIONER'S QUESTIONS

All professionals working with children not only have a responsibility to be attuned to and aware of the changing needs of children in their care but also to do something if they notice a child needs help.

In short: 'if a worker notices something adversely affecting a child, they have to do something about it.'

With this in mind The Five Practitioner Questions have been developed:

1. What is getting in the way of this child or young person's wellbeing?
2. Do I have all the information I need to help this child or young person?
3. What can I do now to help this child or young person?
4. What can my agency do to help this child or young person?
5. What additional help - if any - may be needed from others?

The first question is about noticing that something is not quite right for a child; the second is about finding out what, if anything, is adversely affecting the child; the third is about the individual worker doing something (this is regardless of the worker's seniority within the organisation - it goes back to the individual's responsibility of doing something if they notice something); the fourth question is about involving other workers and the organisation as a whole; and the fifth questions is about seeing what additional external help might be required e.g. school, health services.

All professionals working with children should be familiar with, and implement, the five practitioner's questions which should be worked through from question one to question five. Often the support will stop at questions three or four- a child may just need some reassuring/ someone to talk to/ all the support can be provided by the organisation. Question five is when the support required goes beyond the capacity or abilities of any one organisation.

In terms of sharing information, concerns should be raised first with parents/carers (unless it is a child protection issue which preclude such a conversation). If a service wishes to share information with other agencies to seek additional help, consent for this to happen must first be obtained from parents/carers; this is why it is important to have strong and trusting relationships with parents/carers where it is clear that the children's best interests are at the heart of everything.

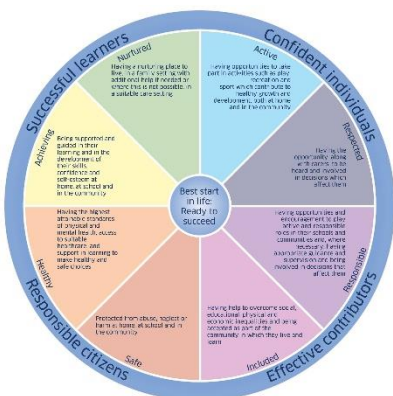
WELLBEING - SHANARRI INDICATORS

Ensuring the wellbeing and best possible life outcomes for children are the drivers of the GIRFEC approach. The SHANARRI Wellbeing Indicators have been developed as a way of assessing a child's wellbeing, identifying any issues which need resolved and then putting in appropriate support to help the child.

SHANARRI stands for:

- Safe
- Healthy
- Achieving
- Nurtured
- Active
- Respected
- Responsible
- Included

The Wellbeing Indicators are often represented within the 'Wellbeing Wheel'



Page | 14 [National guidance for child protection in Scotland](#), which replaced the 2014 version and has a strengthened focus on Getting it right for every child (GIRFEC) and children's rights (Scottish Government, 2021).

[Children \(Scotland\) Act 2020 - Explanatory Notes \(legislation.gov.uk\)](#)

The Children (Scotland) Act 2020 was passed by The Scottish Parliament in August 2020. When implemented it will amend many aspects of the Children and Young People (Scotland) Act 1995, bringing the law further into line with children's rights under the United Nations Convention on the Rights of the Child (UNCRC); make sure children's views are heard in family court cases and children's hearings and the best interests of children are at centre of those cases and give more protection to victims of domestic abuse and to their children.

