



SCOTTISH EXECUTIVE

To: Chief Executives of Local Authorities,
Council Leaders,
Leaders of Health Boards
Chief Constables

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Dear Colleague

CHILD PROTECTION

We all share a common desire to protect our children and young people and that is why we are writing on two related issues of concern to us in the area of child protection.

First is to follow up on our letter of 22 October 2004 in which we summarised information given in your letters of assurance following our request that you provide personal assurance that:

- the way in which your services act individually and jointly to protect children had been reviewed;
- you were either satisfied or had identified areas for further action; and
- you have robust quality assurance systems in place.

We undertook to revisit this exercise. We are doing so now as the publication of the new guidance on Child Protection Committees has issued and the period of transition to the new model is complete.

Second is to address the specific position of children affected by drug abuse.

Letters of Assurance

Following up the assurances reflected in our letter of 22 October 2004 we are writing now to seek your personal assurance that:

- the new guidance for Child Protection Committees has been implemented; and
- you, as part of the Chief Officers Group, are confident that you have in place the appropriate mechanisms to ensure that the functions now required of the CPCs can be effectively carried out.

It would also be helpful to have an indication of how implementation of the new guidance is being applied in practice and what impact this is having in ensuring effective joint working to deliver the outcomes needed to ensure children are adequately protected.

Issues Raised by Cases of Children Affected by Drug Abuse

Debate following the serious concerns resulting from the number of recent cases has served to highlight a number of issues which have been causing us concern.

One matter which has come from a number of sources is that there are conflicting views taken on interpretation of the current legal duties to protect children, in particular the duty set out in S.22 of the Children (Scotland) Act 1995. We want to put beyond doubt that the primary duty upon local authorities in terms of section 22(1) is to safeguard and promote the welfare of children in need. And, only in so far as it is consistent with that primary duty, an authority should also promote the upbringing of such children by their families.

This duty applies to all children in need and, while it is placed specifically on local authorities, a range of guidance makes it clear that joint co-operative working of all agencies is required to protect children effectively. In relation to children affected by drug abuse the most relevant guidance, issued in 2003, is set out in *Getting Our Priorities Right*, with the most recent framework document being *Hidden Harm* on which we will be issuing a full action plan shortly.

Getting Our Priorities Right provides comprehensive guidance on all aspects of service delivery and practice when dealing with children affected by drug misuse, including a clear statement of when parental drug use results in a child becoming in need of protection. In short, when enough is enough.

In light of the views and to eliminate any mixed messages in interpretation of both policy and legal duties we have asked officials to review all relevant guidance to ensure there can be no dubiety about the policy intention. It would be helpful if you could let us know of any guidance which you think needs modified or which should be included in this review.

We are addressing a wide range of issues in discussion of how we move forward on addressing drug abuse and protecting children affected by it. Those issues include reviewing our existing and developing policies on which we have already agreed, and identifying areas where further action might need to be taken. On the second we have already announced that we will be taking action to address an issue which has emerged in cases over a number of years and which continues to emerge, despite efforts to deal with it in guidance. That is the failure of agencies to share information necessary to protect children.

There is extensive guidance on this issue, and the Chief Medical Officer plans to write shortly to all Health Boards reinforcing the need for information sharing where this is in the interests of children. There is no doubt that professionals currently have powers to share such information, but consistent failure on the part of some to do so has convinced us of the need to move to a statutory requirement to do so.

The First Minister has announced our intention to bring forward provisions in legislation to require professionals to share information for the purposes of protecting a child. This duty will be included in legislation designed to further strengthen our child protection systems to be introduced later this year.

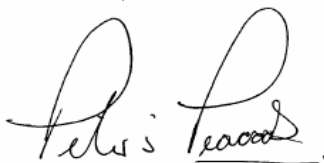
In addition we also need to be reassured at a national level on the actions being taken at authority level to protect children affected by drug abuse now. We would therefore ask for your assurance that within your area you are satisfied that:

1. You are taking all reasonable steps to ensure that
 - you have identified all children who are adversely affected by drug abuse, or are involved in drug abuse themselves;
 - you have assessed their needs; and
 - there is a plan for meeting their needs which is being implemented.
2. And as part of that, for every known drug abuser in your area
 - all children adversely affected by their drug abuse have been identified;
 - their needs have been assessed; and
 - there is a plan for meeting those needs which is being implemented.

These assurances, together with those on wider child protection actions sought above, will provide a useful source of information for the multi-agency joint inspection team when carrying out their programme of child protection inspections.

In reviewing arrangements for child protection we would also invite you to consider, particularly local authorities, what benefits would be likely to accrue from working jointly with neighbouring authorities and others in the interests of securing greater capacity and expertise to deal effectively with child protection issues. We would be grateful for your initial views on this matter within the timescales indicated below.

As with the first Letter of Assurance, can you please respond with a collective reply from the Health Board, Police Force and Local Authority responsible for services in each Local Authority area? We appreciate the work that will be involved in this exercise, but would be grateful for your response by 31 May.



Peter Peacock MSP
Minister for Children
and Young People



Cathy Jamieson MSP
Minister for Justice



Andy Kerr MSP
Minister for Health
Community Care