



Centre for excellence
for Children's Care and Protection

Child Protection in Scotland

Rights-Based Developments

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Key messages

- Evolution of children's rights, policy and legislation in Scotland
- The need for continued focus on implementation and practice improvement



Children's - UNCRC



- Established in 1989
- Ratified in UK in 1991
- Articles establish what all children need
- The basic right to protection is supported by the other Articles
- In this sense they interrelate and mutually support the establishing rights for all children

A rights-based approach

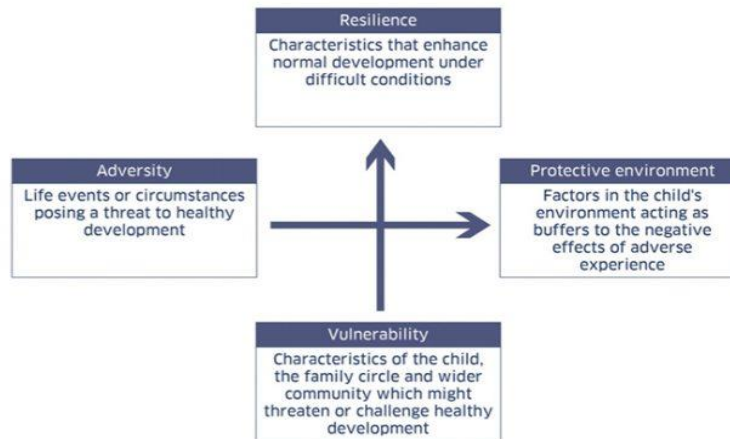
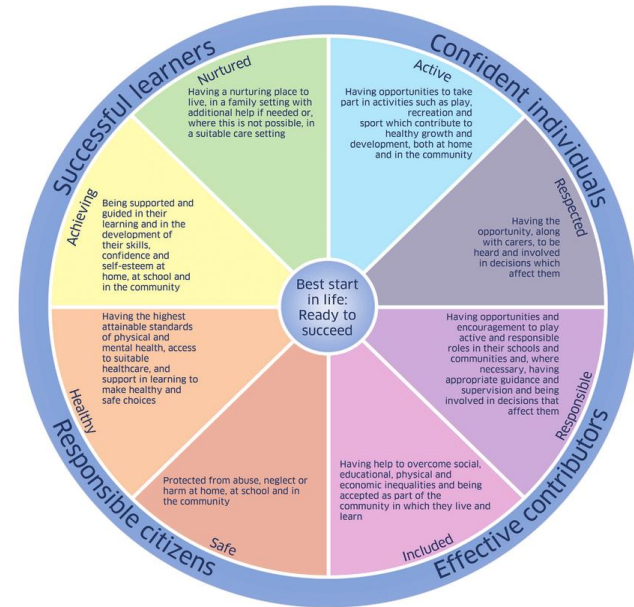
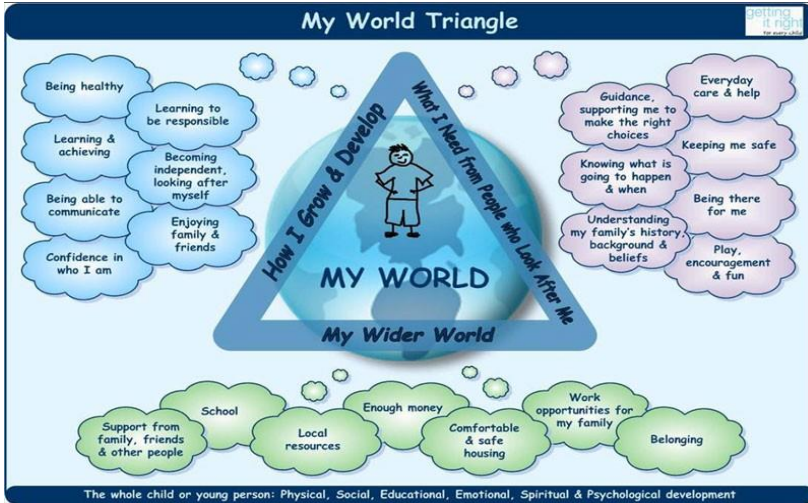
- The UNCRC articles are indivisible and interrelated
- Protection from harm is integral to upholding children's human rights
- UNCRC articles underpin legislation, policy and principles of child protection practice
- Rights based practice is central to child protection practice
- Key Articles include Art 3, 6, 12, 18, 19, 34, 39
- The Articles place obligations on the state to meet them

GIRFEC

- Underpinned by UNCRC
- Focus on **children's needs – wellbeing and development** (Art 6)
- Emphasis on **early intervention**
- Child Protection support seen very much in wider wellbeing context
- Partnership working with families (Art 18)
- Child's **voice and needs** at the centre (Art 12)
- A child's plan **shaped by child's views and needs**
- Review and consider legal options

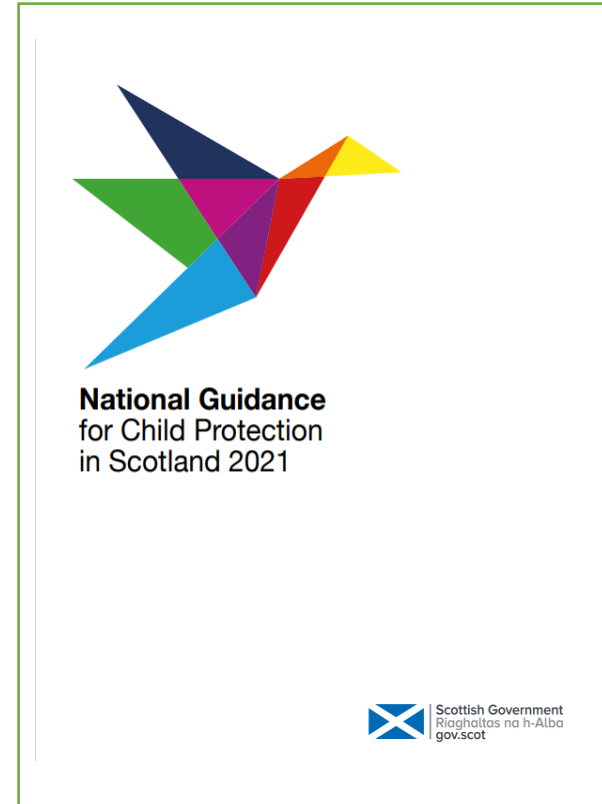


GIRFEC

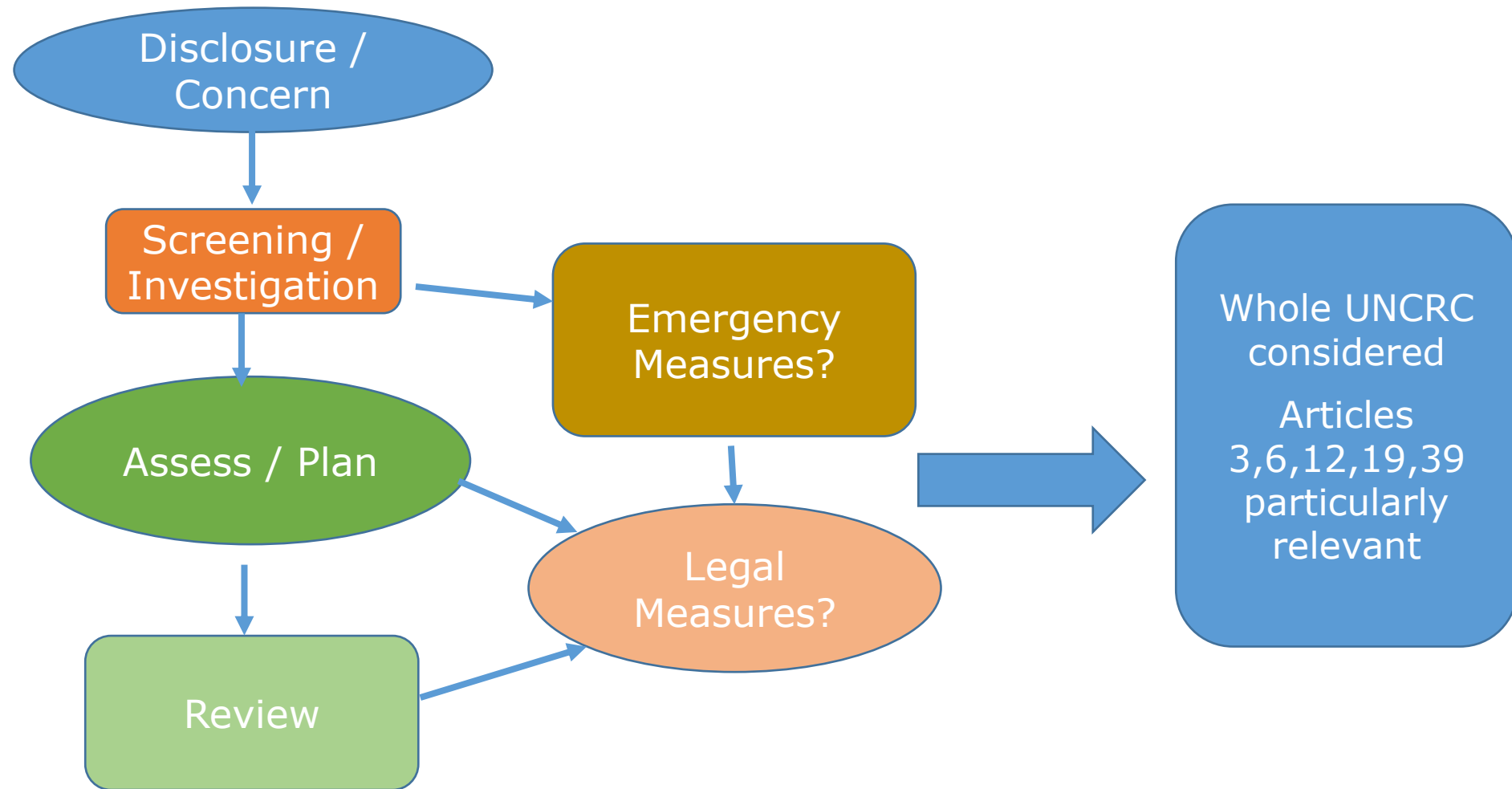


GIRFEC refresh Key Changes

UNCRC and Child Protection



Process and Rights



A careful balance



Practice Considerations:

- Child's rights and needs
- Childs' views and wishes
- Legislation /policy
- Risks
- Need for protection
- Rights considerations

Key Legislation

Legislation defining certain offences against children:

- Children and Young Persons (Scotland) Act 1937, section 12
- Civic Government (Scotland) Act 1982
- Prohibition of Female Genital Mutilation (Scotland) Act 2005
- The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
- Sexual Offences (Scotland) Act 2009
- Human Trafficking and Exploitation (Scotland) Act 2015
- Children (Equal Protection from Assault) (Scotland) Act 2019
- Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020

Key Legislation

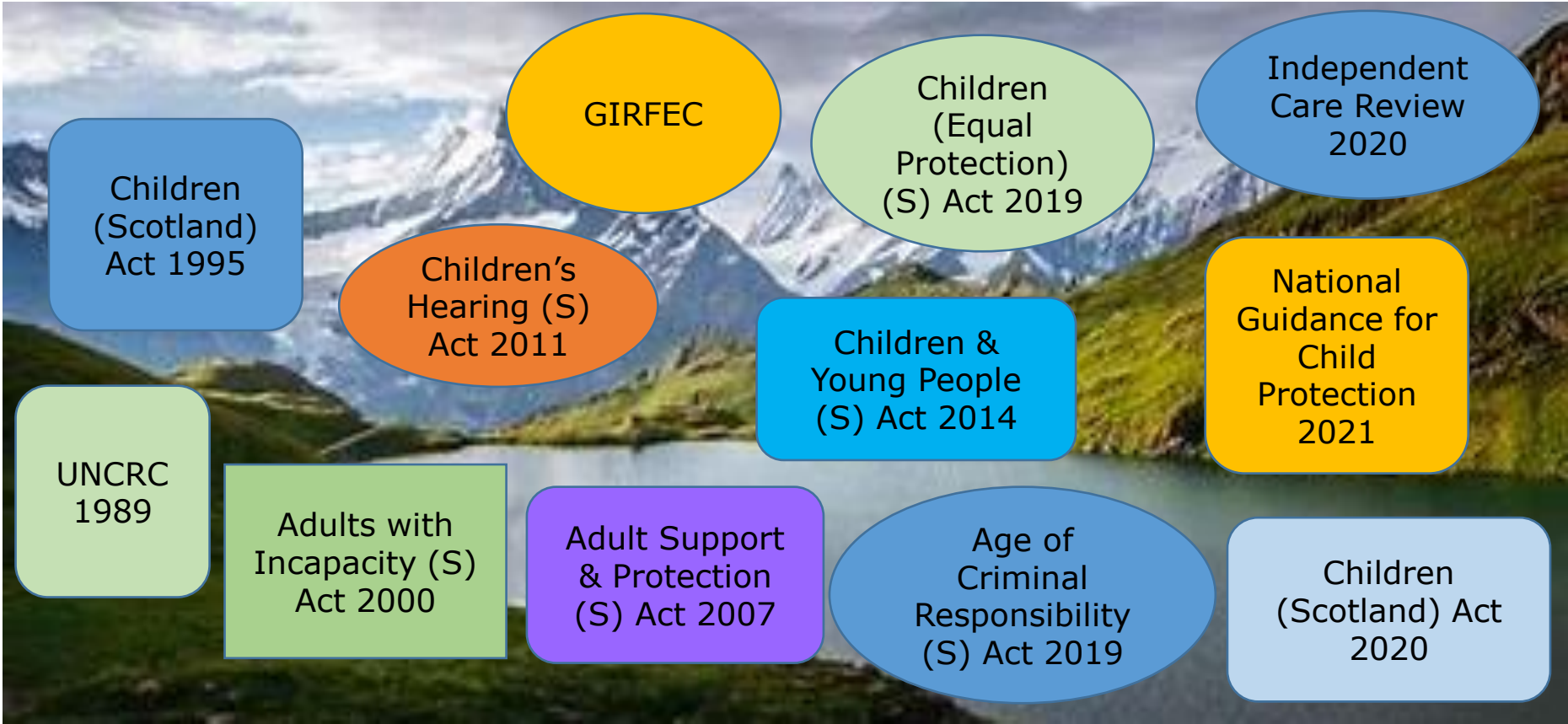
Legislation on managing adults who may pose a risk to children

- Protection from Abuse (Scotland) Act 2001
- Criminal Justice and Licensing (Scotland) Act 2010
- Domestic Abuse (Scotland) Act 2011
- Victims and Witnesses (Scotland) Act 2014
- Domestic Abuse (Scotland) Act 2018
- Age of Criminal Responsibility (Scotland) Act 2019
- Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021

Key Legislation

- Children (Scotland) Act 1995
- Anti-social Behaviour (Scotland) Act 2004
- Adult Support and Protection (Scotland) Act 2007
- Adoption and Children (Scotland) Act 2007
- Equality Act 2010
- Children's Hearings (Scotland) Act 2011
- The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
- Children and Young People (Scotland) Act 2014
- Data Protection Act 2018
- Children (Scotland) Act 2020

Child Protection in context – a cluttered landscape



Implementation of rights-based Child Protection

- ✓ Legislation and policy developments
- ✓ Increased focus on rights-based practice

Implementation challenges:

- Resources
- Leadership
- Consistent practice
- Awareness of rights



Rights, Participation & Engagement



Summary



UNCRC has fundamentally shaped Child Protection practice



The landscape is complex and ever evolving



A continued focus on rights is essential to drive improvement



Progress is being made: children and young people's voice is critical



Need for continued attention on implementation of policy into practice





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Thank You

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