

ANGUS COUNCIL

CHILDREN AND LEARNING COMMITTEE – 17 NOVEMBER 2020

EQUAL PROTECTION FROM ASSAULT

ABSTRACT

This report provides information to members with regard to services in the Children Families and Justice Directorate, albeit that a decision is not required in terms of the current Scheme of Delegation to Officers and the Order of Reference of Committees.

1. BACKGROUND

The Children (Equal Protection from Assault) (Scotland) Act 2019 (the Act) gained royal assent on 7 November 2019 and will come into force on 7 November 2020. The act removes the defence of “reasonable chastisement” in Scots law, which has allowed parents to use physical punishment on children. The Act is designed to bring about behavioural change and to provide children with the same protection from assault as adults, whatever form that assault might take. The Act covers any act on a child that, if carried out on an adult, could reasonably be considered an assault. This would include, for example, slapping on any part of the body, grabbing, pushing or pulling.

This report provides information to members about the work completed locally in preparation for the implementation of the Act.

2. SIGNIFICANT INFORMATION - SCHEDULES

Currently, practice in Angus is that Police and Social Work services respond to allegations of physical abuse; with alleged victims i.e. a child or young person, likely to be jointly interviewed by a Police Officer and a Social Worker who have undergone specialist training. It is self-evident that if there were to be increase in referrals, this would place an additional burden on both services.

It is difficult to say with certainty whether the implementation of the Act will lead to an increase as many referrals already relate to physical chastisement. The Police are required to gather evidence to support a prosecution if they consider this is merited. The task for Social Work is to assess any ongoing risk to the child concerned and determine what support they and their family may need.

We do not intend to change our current arrangements, however if it became evident that that the number of referrals had increased, we would have to consider the recruitment of additional Social Workers to meet demand. There would also be a need for any additional recruits to undertake further specialist training to allow them to be deployed in this area of work. As this would be a new and additional demand, it would not be possible to redeploy workers from elsewhere in the service without a significant impact upon current services. Any such request to increase budget provision would require to be considered as part of the normal budget process and would be determined by elected members.

In preparation for this law coming into force, Angus Council has continued to promote its Child Protection procedures with staff and parents/carers. It is also anticipated that further guidance will be issued by the Scottish Government before implementation of the Act.

The legislation has been reviewed and discussed at the Policy and Practice subgroup of the Angus Child Protection Committee and will be included in the training for Child Protection Designated Officers. The training will highlight the need for staff to remain vigilant and report any allegations of physical chastisement.

Materials promoting the new legislation, including a toolkit are being made available to schools to raise awareness of staff, parents/ carers, children and young people.

The change in the law will be highlighted in our multi and single agency guidance but will not affect the guidance itself which already promotes the protection of children from harm.

Staff in services across the Council should continue to follow guidance and report any incidence where a child is witnessed to be harmed or discloses being physically assaulted.

All agencies recognise the need for good quality support for parents and this will continue to be promoted through the implementation of our Tayside Strategy For Parents 2019-2024. Police Scotland's Equal Protection policy clearly sets out that the change in the law only relates to those instances which may previously have been characterised as 'physical chastisement' of a child by their parent or the person caring for them at that time. Equally, the policy makes clear officers and staff must take cognisance of all the circumstances present in each individual incident. Officers will make assessments using their wider training, along with specific guidance which has been developed to ensure they ask themselves pertinent questions to inform their decisions about the nature of each incident and how they should respond. The best interests of the child are a primary consideration in that assessment.

3. REPORT AUTHOR

This report has been compiled by Alan Hope, Service Leader who can be contacted by emailing PEOPLE@angus.gov.uk.

Full weblink to Tayside Strategy for Parents - <https://www.taycollab.org.uk/wp-content/uploads/2019/10/Tayside-Strategy-For-Parents-2019-2024.pdf>