

# Written Evidence



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## Protection of Children (Scotland) Bill For the Education, Culture and Sport Committee (2.10.02)

### Children in Scotland

Children in Scotland is Scotland's national umbrella agency for organisations and professionals working with and for children and their families. It exists to identify and promote the interests of children and their families and to ensure that relevant policies, services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society.

Children in Scotland represents over 300 members, including all the major voluntary, statutory and private children's agencies, professional associations and local authorities as well as many smaller community groups and children's services. Children in Scotland facilitates the National Early Years Forum, the Scottish Parenting Forum, the Special Needs Advisory Group, Enquire, the national advice service for special educational needs in Scotland and a National Steering Group on Children infected/affected by HIV/AIDS. It works in partnership with the National Children's Bureau and Children in Wales, and is a member of the European Forum for Children's Welfare (EFCW).

### Welcome to Bill

Children in Scotland welcomes the Protection of Children (Scotland) Bill and the opportunity to provide evidence to the Education, Culture and Sport Committee.

### Specific Points

Children in Scotland agrees with the main principles of the proposed legislation. It would however like to highlight areas that should be taken into account in the passing and implementation of the Bill:

1. Organisations will need considerable advice and support in implementing this Bill. This will require initial and on-going training. Further, a helpline or other funded advice source would be valuable as child care organisations make decisions on particular situations.

Children in Scotland agrees with evidence already submitted by such organisations as YouthLink Scotland and GirlGuiding Scotland that organisations relying on volunteers will have particular needs for advice, training and support. Equally, it will be essential to recognise the demands also on small private and voluntary organisations with paid staff, such as those represented in the Scottish Out of School Care Network. The cost implications of such advice, support and training must be recognised and planned for.

2. An organisation should be indemnified should it have correctly followed its procedures to make a referral but subsequent information comes to light, proving that the referral was misplaced.
3. The gatekeeping criteria in the Bill is that an individual has “harmed a child or placed a child at risk of harm” (Section 2 (2)(a)). Organisations will need particular advice and training in outlining what might be included and not included in such criteria.
4. Children in Scotland agrees with the evidence provided by other organisations that volunteers should be covered under this legislation and that, given there appears to be confusion on this, that the Bill and subsequent guidance and information should be clear on this point.
5. It has come to Children in Scotland's attention, due to its research work, that students undertaking research with children and young people are not adequately covered by this Bill or the preceding Police Act 1997.

Such students may be undertaking fieldwork directly with children and young people, involving substantial contact, over a short or long period. They may be proposing to undertake individual interviews with children and young people, for example, in private. Because these students are not employed by the further or higher education institution, there is no employer to ask for a standard or enhanced disclosure. The students may not be undertaking degrees, such as social work or teacher training, where criminal records checks are part of the admissions procedure. If they are in a volunteer position with an organisation where they are undertaking the research, they could be covered; student researchers, however, would not always take on a volunteering role.

They could provide a basic disclosure but this check is weak compared to that available to employers. This potential gap was raised during the training sessions organised by Disclosure Scotland and others but no solution was given.

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