

PE1393/O

Ministear airson Òigridh agus Clann
Minister for Children and Young People
Aileen Chaimbeul BPA
Aileen Campbell MSP



F/T: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk

David Stewart MSP
Convener
Public Petitions Committee
petitions@scottish.parliament.uk



Ur faidhle/Your ref: PE1393

April 2012

Dear Convener

PUBLIC PETITIONS COMMITTEE CONSIDERATION OF PE1393

Following my committee appearance on 7 February regarding petition PE1393, the Committee has written to ask some follow up questions. I would now like to take this opportunity to provide you with information that should answers all the points raised in the letter supplied by Barnardo's (PE13193/M) and the specific questions that the Committee has asked.

Research

During my Committee appearance I announced that the Scottish Government had commissioned the University of Bedfordshire to conduct research into child sexual exploitation in Scotland. This research has now commenced and a practitioners seminar has been organised for 8 June 2012. Barnardos Scotland has been invited to take part in this seminar.

Once this research has been completed any evaluation or follow up work will be carried out in conjunction with the Scottish Child Protection Committee Chairs Forum. My officials will also be happy to share the completed research with the Public Petitions Committee once it is finalised in the summer.

Risk Assessment Toolkit

As previously mentioned, the Scottish Government is currently piloting a risk assessment toolkit which will be disseminated nationally in the summer. Once this toolkit has been rolled out the Scottish Government will explore with the Scottish Child Protection



Committee Chairs Forum what further work is needed to embed fully this toolkit and what further specialised tools would be useful for practitioners.

Local Protocols

The Scottish Government is committed to ensuring that practitioners have all the tools and skills they need to protect Scotland's most vulnerable children. As stated during my Committee appearance, the Scottish Government planned to raise the issues of national protocols at the next Scottish Child Protection Committee Chairs Forum.

I can now tell you that the Child Protection Committee Chairs discussed this issue at their last meeting on 21 March. Following this they have asked Child Protection Committee Lead Officers to establish a small working group that will explore the areas of national protocols and recommend a core set of protocols for all Child Protection Committees. The Scottish Government has requested that they specifically look at the areas of child sexual exploitation and child trafficking.

Care Inspectorate and National Guidance

The National Child Protection Guidance was published in December 2010 and sets a national framework to help shape local practices and procedures. It is the responsibility of local partners to put in place appropriate local procedures and this is underpinned by effective inspection. The Care Inspectorate's joint inspection of services for children is valuable not just as a means of quality assurance, but as part of a process of continuous improvement. Every inspection report gives clear and achievable recommendations for developing services to better meet the needs of children and young people.

The Scottish Government believe the inspection regime to be very robust. The new inspection regime will place the child at the centre of the inspection and focus on the wider support of children's services. It is designed around the experience of the individual child or young person and will examine services that support them, it will put their perspective and their journey at the heart of quality assurance. The Care Inspectorate plans to engage with partners across the country in the coming months to discuss the development of their new inspection methodology. If Barnardos would like the Care Inspectorate to consider child sexual exploitation as a key theme in the new regime of inspections we suggest that it should take part in the events and engage directly with the Care Inspectorate.

Children's Services Bill

The Children's Services Bill is still at very early stages. As set out in the Programme for Government last September, it is planned for introduction later in the Parliamentary session. This originated from a manifesto commitment to develop legislation that would – *inter alia* – enshrine in law a duty for councils and other agencies to work together to place the child at the centre of how they deliver services. We will launch a consultation on this Bill in the coming months.

Proposals being considered in the Children's Services Bill include:

- ensuring that our *Getting it right for every child* approach is embedded in legislation;
- requiring the public bodies across Scotland to report on their progress towards children and young people's outcomes; and

- ensuring that agencies cooperate in the best interests of children and young people in the delivery of services.

You also might like to know that we are working with the third sector to ensure that children and young people are able to feed in their views of the proposals as part of the consultation.

Child Trafficking

During my Committee appearance I was asked for information regarding child trafficking on which I offered to get back to you.

As you may be aware, the Scottish Commissioner for Children and Young People published a report last march 'Scotland: A safe place for child traffickers?' This report highlighted the complex issues connected to child trafficking, from the various modes of trafficking to the heightened vulnerabilities of the child victims. The Scottish Government's work on child trafficking is grounded in our commitment to work together with partners at local and UK level. Following the recommendations in this report the Scottish Government is, and will continue to be, taking forward work in this important area.

One recommendation that may be of interest to the Committee is that the Scottish Government collate centrally information on the numbers of separated children going missing from care. The Care Inspectorate currently collect some information in relation to the number of children who have absconded from care. Unfortunately, there are inconsistencies in protocols for reporting missing children by individual registered services. The Scottish Government will explore with the Care Inspectorate in the course of 2012 what action can be taken to improve the collation of this information.

Social Media

The Scottish Government has engaged with social media operators as part of our wider work on internet safety for child. Direct contact with social media operators on policy matters typically takes place at UK level, given the reserved nature of many of the matters requiring work with these companies. However, the Scottish Government is represented on the Executive Board of the UK Council for Child Internet Safety, on which social media networks are also members.

The Scottish Government has also engaged with social media companies as part of sponsored events. E-Safety Live, now in its sixth year, are landmark events that bring online safety providers, experts and global industry leaders together to participate and discuss the latest online safety topics. This was the first year that the organisers took the steps to host two events, one in London, and a second one in Edinburgh. The Scottish event was very well attended with delegates able to participate in various workshops from influential organisations from the digital world such as Facebook, X Box (Microsoft), Vodafone and CEOP. On the day a wide range of practitioners attended, from teachers, health professionals, charitable organisations, social workers, local authorities and police. All the members from the Scottish Government's Scottish Stakeholder Group on Child Internet Safety were in attendance on the day, either exhibiting, or hosting workshops.

CSE/Internet Grooming

It is police forces, rather than the Scottish Government, which are responsible for the investigation of crime, including crimes of child sexual exploitation and internet grooming. As you will be aware, ACPOS have already written to the Committee, if you require more information I would advise that you contact them directly.

This Government takes sexual offences very seriously and we have taken tough action to ensure that anyone who commits these dreadful crimes will feel the full force of the law and victims are given justice.

In December 2010, the Sexual Offences (Scotland) Act 2009 came into force, replacing a complex patchwork of common law and statutory provision with a single statutory framework which accurately reflects the values of modern society. The Act provides for "protective offences" which address predatory sexual behaviour towards children. The Act maintains the age of consent at 16. It provides that sexual activity of any kind between adults and children under the age of 16 is unlawful. Separate 'protective' offences are provided for in respect of sexual activity with young children (under the age of 13) and older children (from age 13 to age 15).

You might also like to know note that Sections 2-8 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 make provision for Risk of Sexual Harm Orders (RSHOs). This order originally arose out of the work of a Home Office Task Force on Child Protection on the Internet which identified a gap in the law concerning the grooming of children by paedophiles. It was seen as desirable to have some sort of control over any grooming behaviour prior to a meeting between the perpetrator and the child taking place.

The purpose of this order is to give courts the power to place restrictions on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or to children generally. The person's behaviour need not constitute a criminal offence, and s/he need not have any previous convictions. The decision to apply for a RSHO is a matter for each individual police force and will be in response to a unique set of circumstances. This use of RSHOs is one of a range of operational options available to the police to manage potentially dangerous people within the community.

The Act also provides for an offence of 'grooming' which makes it an offence for a person to meet or travel to meet a child or children for the purposes of committing a sexual offence following earlier communications. This includes, but is not limited to, communication using the internet. This offence is intended to catch those who develop relationships with young people under 16 in order to gain their trust and persuade them into vulnerable situations where sexual offences may be committed against them. Guidance for practitioners on the 2005 Act is available from the Scottish Government website at <http://www.scotland.gov.uk/Resource/Doc/155036/0041656.pdf>.

I hope you have found this information helpful.

AILEEN CAMPBELL