PE1635/D
Relationships Scotland submission of 28 April 2017

Summary of Key Points

- Around one third of children lose touch with one of their parents following divorce or separation. In the majority of these cases, there are no concerns over domestic abuse.

- There remains however a significant minority of men who are violent and coercively controlling and women and children **must** be kept safe from them

- Relationships Scotland's Child Contact Centres support over 2,000 children to keep in contact with their non-resident parent each year. 90% of sessions provided by Relationships Scotland Child Contact Centres are Supported Contact Sessions, rather than Supervised Contact Sessions

- Child Contact Centres support both resident and non-resident parents. We currently receive funding from the Big Lottery to employ specialist workers to support the more vulnerable families who attend our centres

- In the past year 76% of our clients said that the Child Contact Centre had helped improve their family situation and 99% of clients said they would recommend our services to others

- All of Relationships Scotland's Child Contact Centres operate under national policies and guidelines. All staff and volunteers undergo full training prior to working with children

- All Relationships Scotland Child Contact Centres are subject to robust quality assurance scheme which ensures a consistent high quality of service across the country

- There is currently no external regulation of Child Contact Centres in Scotland. Given the increasing complexity of cases over recent years, Relationships Scotland would welcome the introduction of such regulation

- Relationships Scotland has called for many years for the introduction of new specialist risk assessments before contact is ordered by the court, wherever concerns over domestic abuse exist

- Relationships Scotland is actively engaged in the new Family Justice Modernisation Strategy and the review of Part 1 of the Children (Scotland) Act 1995, which we believe offer new opportunities for Scotland to support families better in the future

Response from Relationships Scotland

Petition PE01635 calls for a review of the current systems in relation to child contact arrangements where domestic abuse is an issue, and identifies the following four points for consideration. Relationships Scotland's comments are detailed under each point here:

1. **Ensuring there is no routine presumption that contact with a non-resident parent is always in the best interests of children, particularly where domestic abuse is an issue.**

In Scotland today, around one third of children lose contact with one of their parents following divorce or separation. Most commonly they lose touch with their father, but in many cases they will lose touch with their mother. As a result, many thousands of children are spending their childhoods and beyond without a relationship with one of the most important people in their lives.

In the majority of these cases, there are no fundamental reasons why this should happen. Most parents are not a danger to either their children or their ex-partners, and as such it seems quite tragic for both them and their children that they should spend their lives without knowing one another. Indeed, Article 9 of the United Nations Convention on the Rights of the Child states, "Children whose parents have separated have the right to stay in contact with both parents unless this could cause them harm".

Research also highlights the benefits of children staying in touch with both parents. Growing Up in Scotland's (GUS) longitudinal study, which recently looked at 2,593 families with a child aged 10 years old, found that father-child relationships were equally important to the wellbeing of children as mother-child relationships. In addition, 8 out of 10 children said that their fathers played a supportive role in their lives. Positive relationships with both mothers and fathers were found to be indicative of better social and emotional wellbeing, higher life satisfaction and a better experience of school.

There are of course times when contact after separation might not be appropriate, such as where there has been neglect or abuse involving the children and/or the other parent. In cases where such abuse has been reported, the courts are often tasked with the difficult decision as to whether to allow contact or not.

Whilst it is recognised that abuse can be perpetrated by either gender, it is clear that Scotland still has a significant minority of men who are violent and coercively controlling, and women and children **must** be kept safe from them following separation and divorce.

Relationships Scotland has for many years been calling for the introduction of Domestic Abuse Child Safety Reports (specialist risk assessments) which would be undertaken prior to a court making an order for contact, wherever such concerns exist. This would help ensure that contact is only granted when it is safe and appropriate.

2. **There needs to be a comprehensive and independent review of the role and practice of Child Contact Centres in relation to domestic abuse, including coercive control.**

The Scottish Courts have a duty to pay particular attention in family law cases where there are concerns about Domestic Abuse and the impact this has on the safety of children.

The courts often rely on child welfare reports (previously called bar reports) as a way of finding out about the family circumstances, however the vast majority of these are carried out by solicitors who are not specialists in Domestic Abuse or Child Protection issues.

Courts refer cases to Child Contact Centres for supported or supervised contact to take place, often based on information contained within child welfare reports. Relationships Scotland is the main provider of Child Contact Centres in Scotland and cases are often referred where Domestic Abuse is a concern. The information we receive from the courts is very limited and we rely on the information provided by the parents, which can often be in dispute. A risk assessment is carried out in every case to ensure the safety of the contact at the Centre, however this does not extend to whether or not the contact should be happening in the first place. That is the decision of the Court.

Relationships Scotland is committed to ensuring safe contact arrangements are made for children. In 2013 we applied to the Violence Against Women Fund within the Scottish Government's Equality Unit, for funding to run a small pilot to promote, commission and evaluate Specialist Risk Assessment reports. The aim was to ensure professionals who work with and advise families on contact were fully aware of the risks of child contact in cases where violence or abuse is an issue. Funding for this work was unfortunately not awarded.

Since that time Relationships Scotland has continued to work with a number of the trained specialist risk assessors to help raise awareness of these Reports.

There have been various discussions with a number of key stakeholders including the Judiciary, Janys Scott QC, SG Justice Department, the Scottish Legal Aid Board, the Children's Commissioner's Office, Scottish Women's Aid, Families Need Fathers and others. These conversations have been very positive.

During 2016/17 we have delivered a number of presentations on 'Risk and complexity – making decisions about safe contact in the context of domestic abuse' to raise awareness of Domestic Abuse, the impact on children and of the Specialist Risk Assessments Reports:

- Advocates Family Law Association Child Contact Seminar, May 2016
- Legal Services Agency, Family Law Conference July 2016
- Glasgow Bar Association Conference, October 2016
- Balfour + Manson, Annual Family Law Conference, March 2017

Catriona Grant is currently leading this work and she has had 4 reports commissioned recently. Feedback from one Sheriff so far has been very positive.

Relationships Scotland would like to see more Specialist Risk Assessment Reports being commissioned and evaluated to ensure contact arrangements for children only proceed if they are safe and positive.

3. **There needs to be a comprehensive and independent review of the regulation, quality control, standards, policies and procedures which govern the staffing and running of Child Contact Centres in Scotland**

Overview

Child Contact Centres have operated in Scotland for over 25 years. Child Contact Centres provide a safe, secure and welcoming environment where children can spend time with the parent they no longer live with. Most of the time this would be with their father, however in many cases this would be with their mother.

Child Contact Centres support both resident and non-resident parents. We currently receive funding from the Big Lottery to employ specialist workers to support the more vulnerable families who attend our centres

Around 2,000 children each year are able to keep in contact with their non-resident parent through our Child Contact Centres. Our services support the well-being of children and families through a joined up approach with the Scottish Courts, Local Authorities, NHS, Social Work, Police Scotland and other third sector providers, including Scottish Women's Aid.

The Scottish Government provided £166,000 in 2016/17 towards the funding of our Child Contact Centres. This was part of the £1.5m grant from the Children, Young People and Families Early Intervention Fund which also supports our counselling and mediation work across the country. Other funding for Child Contact Centres came from local authorities, the Big Lottery in Scotland, BBC Children in Need and other charitable trusts.

In the past year 76% of our clients said that the Child Contact Centre had helped improve their family situation and 99% of clients said they would recommend our services to others.

Comments from Clients

Being able to see their Dad at the centre has really helped the children. I know they are safe

Thank you – I wouldn't see my kids without you. Contact started as supervised, moved to supported, and then handover and now I see them on their own.

I don't know where I would have been without the assistance of the contact centre staff. I had no idea that this service existed until my solicitor pointed us in the right direction. I expect that we will continue to use the contact centre for some time, but with the guidance of the family mediator, we're getting there.

Seeing children again after 6 months every 2nd weekend. Amazing!!

Mediator and contact staff were all great – very understanding. We are now making our own arrangements for contact – I didn't believe that this would ever happen

The children are now going out of the centre with their Dad. The centre has worked well for them and me.

I have recommended the service to others. I give the centre 10/10 for all their help, staff to be commended. Positives wouldn't have happened without the centre.

Good stepping stone to moving on. Recommend to others who are in the same position

Realising what my children were feeling made me realise how important it was not to stop their dad seeing them

Types of Contact

There are currently three main types of child contact facilitated through Relationships Scotland affiliated Child Contact Centres. Both resident and non-resident parents are offered support whilst attending our centres.

Supported contact is facilitated by child contact centre staff to enable contact to happen between children and their non-resident parent in a welcoming room at the centre. This allows contact to happen without the parents having to meet.

During a ***supported handover contact***, the Child Contact Centre becomes a venue to pick up and drop off children for out-of-centre contact. Staff members support the handover of the child from one parent to the other. A record of attendance is kept and an attendance report can be provided on request.

Supervised contact is when at least one highly experienced and suitably trained member of staff observes and supervises the contact between the child and non-resident parent. Only one contact session happens at a time, and the member(s) of staff stays with the children at all times to ensure the safety of those involved.

Children and parents again spend time together in a welcoming environment at the centre.

Standards, Training and Qualifications

All Relationships Scotland Child Contact Centres operate under OSCR regulations and undergo an internal quality assurance audit every 3 years. They adhere to the Relationships Scotland Quality Assurance Framework, National Policies, and the Standards and Practice Procedures for Child Contact Centres.

The national policies that all Child Contact Centres operate under include the following: *Domestic Abuse; Child Protection, Adult Support & Protection; Confidentiality and Disclosure; Equality & Diversity; Equal Opportunities & Harassment Policy; Working with Suicidal Clients; Health & Safety Policy and Management System; Anti-Harassment and Violence.*

All of our Child Contact Centre staff and volunteers undertake training specifically for this work. This training covers the important policy and practice procedures outlined above. All staff and volunteers are cleared by a PVG disclosure check before working in a CCC.

There are a range of different roles undertaken by staff and volunteers in our Child Contact Centres, with varying degrees of responsibility. This means that it not straightforward to simply set a minimum qualification level for people to work or volunteer in our centres.

All Child Contact Centre staff and volunteers are required to have had previous experience in working with children and come from a range of backgrounds. Currently, the majority have work experience and skills from social work, family law, teaching or other work with children and families.

Safety

The safety of children, their families, staff and volunteers is of the utmost importance. Full risk assessments are carried out in all cases prior to any contact taking place, and continual monitoring of risk is carried out at all times in each case. Our centres would not facilitate contact if this was considered to be unsafe for the child or the resident parent. Our staff and volunteers are always either directly in the room with clients and their children (supervised contact) or just outside the room (supported contact).

All of our Child Contact Centres comply with the relevant workplace Health and Safety Regulations that apply in Scotland. Our Child Contact Centres also follow national Health and Safety guidelines as set out in the National Standards and Practice Procedures for Child Contact Centres. Part of the guidelines states that each Child Contact Centres has to develop their own Health and Safety Risk Assessment, which is specific to their own centre. All staff and volunteers are trained to follow the procedures set out in their Health and Safety Risk Assessment.

Child Contact Centres are intended to warm, welcoming environments where children can spend quality time with the parent they don't live with. We do not believe

that CCTV cameras are appropriate within Child Contact Centres. Some premises do though have CCTV outside at the entrance / exit door.

Supported Contacts do not require constant supervision / observation. Supervised Contacts are constantly observed by a highly experienced and trained contact supervisor who remains with inside the contact room with the child at all times.

Additional rooms are available in all our Child Contact Centres which are used if staff need to speak with a parent out with the presence of their child.

Staff and volunteers have been trained to raise an alarm verbally if an emergency event occurs and to follow subsequent procedures following the alarm. Should anything happen at a Child Contact Centre that led our staff or volunteers to believe a child or adult was in danger, the police would be called.

Regulation of Child Contact Centres in Scotland

There is currently no external regulation of Child Contact Centres in Scotland. As mentioned above, all Child Contact Centres that are part of the Relationships Scotland Network operate under national policies and guidelines, and are subject to national quality assurance audits. This ensures a high standard of service across Scotland.

Relationships Scotland has seen a significant increase in the complexity of issues facing the families that come to our child contact centres, including many issues around mental health and addiction. In light of these changes we would welcome the introduction of external regulation of Child Contact Centres and would be pleased to begin discussions with the Scottish Government and others as to how this might be progressed.

4. Children's views are unfailingly, routinely and effectively taken into account in relation to court and other proceedings concerning contact where domestic abuse is an issue, by appropriately trained and qualified staff who are fully aware of the dynamics and impact of domestic abuse on children and the non-abusing parent, including coercive control.

As described under point 2 Relationships Scotland has been working to promote the implementation of Specialist Risk Assessment Reports which would ensure that children's views are effectively taken in to account during court proceedings relating to contact where domestic abuse is an issue. These reports would be undertaken by appropriately trained and qualified workers who are fully aware of the dynamics and impact of domestic abuse.