

## **JUSTICE COMMITTEE**

### **CHILDREN (SCOTLAND) BILL**

#### **SUBMISSION FROM RELATIONSHIPS SCOTLAND**

Relationships Scotland<sup>1</sup> whole heartedly supports the policy objectives of the Children (Scotland) Bill 2019 which are to:

- Ensure the views of the child are heard in contact and residence cases
- Further protect victims of domestic abuse and their children
- Ensure the best interests of the child are at the centre
- Further compliance with the UNCRC in family court cases

Relationships Scotland welcomes a number of the proposals within the Bill including:

- Child welfare reporters and curators ad litem regulation
- Factors to be considered by the court to include the effect of an order on the involvement of the child's parents in bringing up the child and the effect on the child's important relationships with other people
- Vulnerable witnesses additional measures
- Contact with siblings to be promoted

Relationships Scotland submitted a detailed response to the consultation in 2018 in to the reform of Part 1 of the Children (Scotland) Act 1995 and refers the Justice Committee to this.

This response focuses on areas of particular relevance to the work and experience of the Relationships Scotland network. Views are presented in the order, and with the numbering, that questions are listed on the parliamentary committee webpage: <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/112981.aspx>

#### **1. Voice of the Child**

We are very supportive of moves to ensure that children's views are heard more often and more effectively in any decisions that affect them. Our concern with removing the age presumption was that children's views would be less likely to be taken. Given that the expectation is that views will be taken more often, it is crucial that age appropriate mechanisms are put in place to make this happen.

As stated in our response to the 1995 Act consultation, hearing the views of children effectively is specialist work and professionals who meet with children need to have undertaken appropriate training and developed their skills. We believe that a network of specialists who are suitably trained to meet with children and encourage them to express their views would go a long way to ensuring that the policy objectives of the Bill are met.

Relationships Scotland has a network of 40 mediators who have trained in child consultation within the mediation process. These Child Consultant Mediators

would be well placed to undertake this role and provide this service across Scotland. They are experienced in the specific context of divorce and separation, and the issues for children of their parents living apart.

The proposed legislation requires the court to 'give the child an opportunity to express [their] views'. It is important to note that children may want to take up the opportunity to have their views heard but not want those views to be shared or they may not want to participate in giving their views. Children's decisions to express and share their views, or not, should be respected. In any process it needs to be made clear that children are not the decision makers and they are not being asked to choose between their parents. Professionals need to be skilled in age appropriate methods of ascertaining views. We have some concerns about taking views effectively from very young children, and would recommend a cautious approach that considers research evidence from other jurisdictions.

It is also important that the voice of the child be heard in decisions that are being made outwith the court process. Relationships Scotland's Child Consultant Mediators meet with children, hear their views and share these with parents in mediation to inform their decision-making. Our view is that parents with contact and residence disputes would benefit from being required to find out about mediation as an option for resolving disputes prior to going to court, where they could be encouraged to hear their children's views and involve them directly where appropriate. They would have the choice of not participating in mediation if it was not appropriate or not their preferred option.

The Family Justice Modernisation Strategy (FJMS) indicates at 2.23/2.24 that the Scottish Government will consider a system of Child Support Workers further. It is widely acknowledged that the current process, and reliance on the Form F9, is inadequate, and this area needs to be prioritised. Concerns about children having multiple support workers can be addressed to ensure that all children have the option of a support worker to hear their views.

The provision of Child Support Workers seems to be fundamental to supporting the main policy objectives of the Bill of ensuring the views of the child are heard in contact and residence cases, ensuring the best interests of the child are at the centre and further compliance with the UNCRC. There would be significant benefit from including provision in relation to Child Support Workers in the Children (Scotland) Bill legislation to ensure action is taken sooner rather than later.

## **2. Child's best interests**

The proposals within the Bill support the policy objective of ensuring the best interests of the child are at the centre of contact and residence cases. Our view is that it falls short in a number of areas namely: specialist risk assessment, the promotion of alternatives to the court, such as mediation, and the promotion of

alternative support services such as parent education and counselling. These areas are described in more detail below.

**5. Other requirements on the court** – explaining decisions to the child and considering the risk of any delay in the proceedings

Research indicates that most children want to be kept informed, in an appropriate manner, about decisions that are being made that affect them, and this would include the explanation of decisions. This explanation would be most effectively given by a professional with whom the child has developed trust and a relationship, ideally the person who met with them to explore their experiences and hear their views prior to the decision being made. This would seem to fit well within the role of the Child Support Worker and is a further argument for establishing a system of support such as this.

We welcome the provision that requires the court to consider the risk to the child's welfare of any delay in the proceedings, although not at the expense of full and proper risk assessment and investigation of any allegations that might impact on safety.

**7. Child Contact Centres**

Relationships Scotland welcomes the proposal in the Bill to regulate Child Contact Centres, although it must be noted that for Child Contact Centres to continue to operate they need to be funded adequately. There are currently 42 Child Contact Centres within the Relationships Scotland Network, including 2 Associate Members. Our Member Services also offer other services such as Relationship Counselling, Family Mediation, children and young people's counselling, Parenting Apart sessions and other forms of child and family support.

The Child Contact Centres within the Relationships Scotland Network are subject to a National Quality Assurance framework, and all centres work within national policies, procedures and guidelines. Our 42 centres represent the vast majority of the Child Contact Centres in Scotland.

*Why Child Contact Centres – Role*

Child Contact Centres (which have operated in Scotland for over 30 years) are seen as a stepping-stone for families where contact for a child cannot be arranged otherwise. There can be many reasons why contact is not taking place (See Appendix 1 – response to the consultation in 2018 on the reform of Part 1 of the Children Scotland Act 1995).

The different types of contact can provide a pathway from no contact, to contact outside the Child Contact Centre with no involvement by services. Supervised Contact involves observation of the child and the person having contact with the child, and can result in a report to the court who has ordered such contact;

Supported contact is within a Child Contact Centre where the staff are not directly observing contact but are monitoring generally for the health and above all safety of all within the Child Contact Centre – particularly the children in the centre. The progression from the Child Contact Centre can also involve the use of the centre as a place where the child can move from the care of one parent to the other – using the centre as a pick up and drop off point. The Contact Centre can also be used as an initial meeting place for the contact with some of the time in the centre and some of the time outwith the centre.

The safety of the child and the options for any particular family are discussed initially with the Member Service. Each parent has individual pre contact meetings (also called intake meetings). These meetings introduce each parent separately to the service and to the service's role and responsibilities. This includes a robust risk assessment from the information requested of the parent during the meeting – including risks concerning child safety, Domestic Abuse, Mental Health, substance misuse, etc. This allows the service to manage the contact process appropriately. This initial meeting is also an opportunity to hear parents' concerns – to support the parent who the child lives with to prepare the child/children for contact and to give the other parent an opportunity to explore how the proposed contact can happen at the Child Contact Centre.

#### *Regulated Centres – courts and solicitors – other referrals*

At present, the Relationships Scotland Member Services receive approximately 80% of their referrals from Courts and solicitors. More than 2,500 children met a parent or other relative for contact last year (2018/19). The 2019 Bill makes a distinction and specifies only that court referrals are to a regulated contact service provider. The Family Justice Modernisation Strategy notes an intention (3.13, 3.19) to encourage solicitors to refer to a regulated centre.

The view from the Relationships Scotland Network is that following the introduction of external regulation of Child Contact Centres it would seem to be impractical for centres to operate a 2-tier system of regulated and non-regulated centres. Self-referrals are encouraged by many services, as are referrals to the Contact Centre as a result of agreement during Family Mediation.

As mentioned previously, all of our comments are made on the understanding that a sustainable, long-term funding arrangement can be found for Child Contact Centres in Scotland.

#### *Practical or Resource Implications*

A number of resource and practical implications from the Bill and its attached documents have been identified including:

*Regulation of Centres or of Services?*

Is it intended that the regulation will be of individual Services – or of individual Centres? Other than the two Associate Services who run one Child Contact Centre each, there are eleven Relationships Scotland Member Services who operate a total of 40 Child Contact Centres. The Relationships Scotland Network appreciates that each Centre's accommodation requires to be inspected. Other aspects that will probably be part of regulation e.g. training and dealing with complaints procedures, are likely to involve the same processes and procedures within the Member Service. Is a distinction to be made for each Child Contact Centre used for all regulation? Or, to minimise the costs and time involved, would separate accommodation inspections for each centre take place, with an overall inspection for all other matters?

*Outreach Areas*

The issue of accommodation also arises for some Member Services, particularly those serving large rural and island areas of Scotland. There are occasions when contact, for example, on an island requires to be arranged. Here, contact is offered, not at the service's offices or at their usual Child Contact Centre premises but at another place – such as a community centre. While the Centre will have its own Health and safety policies and would be assessed as safe to use by the service, it would not be a regulated Centre for purposes of the Bill. Would there be exceptions for such places? Not to offer such an exception could result in a child not getting contact, because of the location where the child lives. In the case of a court ordered contact, such a venue would not be a regulated Centre, again potentially precluding contact for that reason also. The legislation and subsequent secondary legislation must consider allowing for such exceptions to be allowed in the best interest of the child.

*Training and workers involved with Child Contact Centres*

Mention is made of the number of volunteers involved – currently in the Relationships Scotland Network there are 152 workers paid including sessional workers and 128 volunteers – these figures can vary from time to time but around 300 would seem to be reasonably accurate. Within this group there are a number of differing roles including coordinators/intake workers who arrange the process from referral to starting contact. Organisers in Child contact Centres and volunteers can have differing roles. This is also the case with Child Support / Link Workers, who give additional support for families who may have some difficulties in starting or sustaining Child Contact.

*Standards regarding accommodation and training*

It is self-evident that training for this variety of roles with Child Contact Centres services will need different levels and requirements of training. Equally, it is challenging at present to try to gauge the impact of and respond to some parts of

the Bill and regulation of Child Contact Centres without an indication of what these standards are likely to be- both for training and for accommodation.

While we appreciate that this area will largely be covered in secondary legislation it does appear at present that the figures mentioned for costs in the Financial Memorandum may be high and disproportionate when compared with the costs of operating Child Contact Centres.

## **8. Enforcement of orders**

We welcome the approach of a requirement on the court to investigate the reasons for a person's failure to comply with a court's order. There may be a number of complex and competing factors and an investigation would help gain understanding and allow for the offer of appropriate support. This, again, would be an area that the Child Support Worker role could contribute to effectively – initially in hearing the views of the child, subsequently in explaining the decision of the court and further in helping the child and family to comply with the order or to seek an alternative order. If the reasons for failure to comply with a court order are related to risk then the risk factors must be investigated fully by a specialist worker at an early stage.

There are a number of measures that can help families to comply with orders. These include, but are not limited to, parent education, conflict resolution skills development, coaching, counselling and family therapy. A requirement to attend either a parent education session or an initial meeting to explore options for resolving disputes would help parents to access the support they need to ensure their children's needs are met, including specialist services where there are concerns about domestic abuse, and would help to ensure orders are complied with.

We do not agree with the statement at 3.24 of the FJMS that '*requiring a person to attend a parenting class....may take a parent away from a child and could have a negative impact on the child.*' Parenting classes designed specifically for the context of divorce and separation have been shown to have a positive impact on children's welfare<sup>2</sup> and the benefits far outweigh any minimal time that the parent is away from their child<sup>3</sup>. Parents are often away from their children for a number of different reasons and this in itself is not a good reason for discounting this support.

The Bill states that the court can appoint a child welfare reporter to investigate and report to the court on failure to obey an order. It is crucial that the person investigating non-compliance is well informed about the options available to help parents and how to ensure the safety of vulnerable parties. Risk assessment is specialist work and our view is that the investigation of non-compliance needs to be undertaken by specialist workers.

### **13. Family Justice Modernisation Strategy (FJMS) / issues not covered by the Bill**

We welcome the proposals around training for judges and law professionals on trauma (4.32), and the proposals to encourage the involvement of non-resident parents in education (5.28) and health (5.34) decisions. We welcome proposals for better guidance on court processes (6.21) and simplifying language (6.24).

We have views to submit on the following areas of the FJMS in particular:

- Child Support Workers (FJMS Section 2.24) – see our response here to Question 1
- Protecting victims of domestic abuse (FJMS Part 4, Sections 4.27 and 4.31)
- Alternatives to Court (FJMS Part 7)

**Protecting victims of domestic abuse (FJMS Part 4)** - particularly ensuring the civil courts are provided with information on domestic abuse (4.27) and improving interaction between criminal and civil courts (4.31).

A number of measures to protect victims of domestic abuse are included in the Bill, and plans to produce a policy paper for the Family Law Committee (FLC) and a general discussion paper are included within the FJMS.

We are disappointed that the promotion of domestic abuse risk assessments, that was consulted on in the 1995 Act consultation (Q37) is not mentioned in the Bill, the FJMS or Annex B of the FJMS: List of areas consulted on but not taken forward.

We provided a detailed response to this question in our submission to the 1995 Act consultation. We are strongly of the view that specialist risk assessment should be undertaken where concerns about safety of children or adults are raised. This should be part of the process of protecting victims of domestic abuse, which includes children, and ensuring information is communicated effectively between civil and criminal courts.

Specialist risk assessments help sheriffs and other professionals make safe decisions when there are historic or current domestic abuse allegations and uncertainties about the extent, severity and nature of the actual and alleged abuse. Levels of hostility, conflict and fear need to be fully understood and a complex pattern of intersecting risk concerns needs to be assessed. The aim of a specialist risk assessment is to provide the information for the professionals making decisions about or managing the case to be able to identify strategies for risk management and to make decisions about child and non-abuser safety. A recommendation is given on how to proceed that is realistic, takes into account local resources, and is matched to the level of risk identified.

Specialist risk assessments follow best practice in the field and they include information from the non-abuser and draw on multiple sources of information to establish the presence of risk indicators. Statements about risk are contextualised

and fitted alongside assessments of non-abuser impact and risk of harm to children from domestic abuse in all its forms, and the potential for future harm. This includes consideration of factors such as impairment of parenting capacity, the child's need to recover from traumatic experiences or the abuser protracting proceedings as a means of maintaining control over or further persecuting the non-abuser. These reports are undertaken by appropriately trained and qualified workers who are fully aware of the dynamics and impact of domestic abuse.

Our view is that a pilot to progress and evaluate the use of these Reports, to ensure contact arrangements for children proceed safely and positively, should be commissioned. This would sit well with the Safe and Together approach of ensuring good decisions are made for children, and would provide evidence to input to further discussions.

### **Alternatives to Court (FJMS Part 7)**

In the FJMS it is noted that the Scottish Government considers that there can be advantages in resolving cases outwith court, whilst understanding that there are cases where dispute resolution other than court is not appropriate.

The proposal is to produce guidance for individuals (7.19) and a policy paper for the FLC (7.20) as well as considering the proposals in the Expert Group report: Bringing Mediation in to the Mainstream in Civil Justice (7.21).

Mediation in Family (Divorce and Separation), contact and residence, cases has been an option in Scotland since the mid 1980s and rules of court referral are already in place, as is guidance in the Your Parenting Plan resources and on the mygov.scot website. In order to bring about a step change increase in the uptake of alternatives to court, such as mediation, an intervention of greater impact than further guidance is required.

Relationships Scotland has made a number of submissions in this regard calling for a stronger requirement on parties to explore their options for resolving disputes, including mediation. We provided a detailed response to the question on this in the consultation on Part 1 of the 1995 Act - Q42. We submitted a detailed response to Margaret Mitchell MSP's proposal for a Mediation (Scotland) Bill proposal which can be read here: <https://www.margaretmitchell.org.uk/mediation-consultation>.

We provided input to the researcher in the preparation of the Expert Group report. We have meetings set up with Margaret Mitchell MSP and Gavin Henderson, Scottish Government Deputy Director for Civil Law to discuss these issues further.

Our strongly held view is that there needs to be a greater requirement on parties to explore their options for resolving disputes prior to going to court across the Civil Justice sector. Family (Divorce and Separation) cases are included within

that and have additional special requirements, particularly around training for mediators and risk assessment. We recognise the concerns around safety and the need to ensure parties are able to negotiate freely, and we also believe that parties should be given the choice to participate in a process if they so wish.

Relationships Scotland calls for provision within the Bill to pilot and evaluate a requirement to attend a Dispute Resolution Information Session, along the lines of the recommendations in the Expert Group Report and the Mediation (Scotland) Bill proposal.

Relationships Scotland welcomes any opportunities to discuss the provisions within the Children (Scotland) Bill and the Family Justice Modernisation Strategy further, in order to ensure the policy objectives of the Bill are fully realised and the needs of children of separation and divorce are prioritised.

Stuart Valentine  
Chief Executive  
Relationships Scotland  
13 November 2019

<sup>1</sup> Relationships Scotland is a Network of 21 Member Services providing support across Scotland to individuals, couples and families with relationship issues. Relationships Scotland's services include Child Contact Centres and Family Mediation, Parenting Apart (parent education), Counselling and a wide range of other interventions.

<sup>2</sup> Burke, S et al. (2009). *Parenting after Separation - A Literature Review prepared for The Australian Psychological Society*. The Australian Psychological Society Ltd.

<sup>3</sup> Relationships Scotland. (2019). *Parenting Apart – Outcomes Analysis Report*. Retrieved from <https://www.relationships-scotland.org.uk/about-us>

## Appendix 1

### 1995 Act Consultation Response from Relationships Scotland regarding Child Contact Centres

#### Question 6):

Should child contact centres be regulated?

**Yes**

No

Why did you select your answer above?

As detailed below 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. RS has seen a significant increase in the complexity of issues facing the families that come to our contact centres, including many issues around mental health and addiction. In light of these changes Relationships Scotland would welcome the introduction of external regulation and the support that this could provide. We would welcome the opportunity to contribute to discussions on how this might best be implemented.

- Relationships Scotland's Child Contact Centres (referred to as RS CCCs) support over 2,000 children to keep in contact with the parent they don't live with (or other relative) each year. The majority of sessions provided by RSCCCs are Supported Contact Sessions (8,800 within RS CCCs and 6,074 handover sessions in year 2017/18) rather than Supervised Contact Sessions (3275 sessions in 2017/18). Child Contact Centres have operated in Scotland for 30 years. They aim to provide a safe, secure and welcoming environment where children can spend time with a parent (or other relative). Most of the time this would be with their father, however in many cases this would be with their mother.
- RS Member Services support the well-being of children and families alongside the Scottish Courts, Local Authorities, NHS, Social Work, Police Scotland and other third sector providers, including Scottish Women's Aid.
- In 2017/18 72% of those responding said RS CCCs had helped improve their family situation and 99% said they would recommend our services to others.

The Scottish Government provided just over £170,000 in 2017/18 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. There is no statutory funding of CCCs currently which means that quality assurance, training and venues are dependent on support from elsewhere (use of other organisation's premises, management resource allocation at the RS National Office and Member Services). Other funding for Child Contact Centres comes from local authorities, the Big Lottery in Scotland, BBC Children in Need and other charitable trusts. The Big Lottery Funding is used in large part to employ specialist family workers to support the more vulnerable families who attend the RS CCCS.

**Child Contact Centres** support both resident and non-resident parents

### **Types of Contact**

The use of the RS network of child contact centres is seen as a short-term intervention – as a stepping stone towards more stable arrangements that do not need to make use of such centres.

There are currently three main types of child contact facilitated through RS CCCs. Both resident and non-resident parents are offered support whilst attending our centres. Two members of staff are always on duty in RS CCCs.

**Supported contact** is facilitated by child contact centre staff to enable contact to happen between children and their non-resident parent in a welcoming space 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.

**Supervised contact** is when at least one 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 all those involved. Children and parents again spend time together in a welcoming environment at the centre.

Some Member Services offer other contact including **indirect contact** (letterbox contact and video contact are two examples).

One of the advantages of CCCs operated through the RS network is that they are integrated within other service provision such as family mediation and Parenting Apart (information sessions for parents to find out what their children need from them when they are living apart). This can help parents to move on from their use of the CCCs to support for handovers or contact outwith the Centre.

In offering these contact services Member Services work with **values** which include

- that children are safe within the centres
- that diversity and equality are respected
- that RS CCCs operate impartially in working with families and with focus on the child.
- that confidentiality is respected by staff and by families (subject to Child Protection issues)
- that there is respect for all individuals using these services and respect by those using centres for staff and other users
- that staff using their expertise experience and skills help to achieve better outcomes for children and their families

### Referrals

Courts refer cases to Child Contact Centres for supported or supervised contact to take place, often based on information contained within child welfare reports. The Relationships Scotland Network 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, who are often be in dispute. Risk assessment is carried out in every case to ensure the safety of the contact at the Centre. There is a one to one intake meeting following all referrals, whether from court, solicitors, personally or from another agency, often face to face or by telephone.

Such meetings give the opportunity

- To introduce the service and the Member Services role and responsibility
- For risk assessment:
  - Child safety
  - Domestic abuse
  - Mental health
  - Substance misuse
- For the Member Service to manage the contact process appropriately
- To hear client's concerns
- To support the resident parent to prepare the child/ren for contact
- For the non-resident parent to explore how they will manage the contact
- To clarify the service policies and procedures

If the referral has come from court it may indicate whether this should be supported or supervised contact. It can happen that following intake Member Services consider that supervised is more appropriate than the supported contact ordered and vice versa. The issue as to whether or not the contact should be happening in the first place is the **decision of the Court** not of the Member Service. (See Voluntary Nature of use of RS CCCs below).

### **Policies, Guidelines and Standards**

All RS CCCs operate under national policies, guidelines and standards. All staff and volunteers undergo training for their roles prior to working with children and continue training while working for RS CCCs. All staff and volunteers are cleared by a PVG disclosure check before working in RS CCCs.

All RS CCCs are subject to a robust internal quality assurance scheme, the Relationships Scotland Quality Assurance Framework, which ensures a consistent high quality of service across Scotland. The audit, as with NACCs accreditation, is on a 3-year renewal basis. There is currently regulation of RS Child Contact Centres in Scotland within the RS Network. Relationships Scotland would welcome the introduction of external regulation.

### **National Policies**

All RS CCCs operate under OSCR guidelines and RS National Policies, as well as the RS Standards and Practice Procedures for Child Contact Centres. The National Policies that all Child Contact Centres operate under include the following:

Child Protection; Client access to information; Domestic Abuse; Adult Support & Protection; Confidentiality and Disclosure; Equality & Diversity; Data Protection; Anti-Harassment ; Working with Suicidal Clients; Disciplinary; Services for children and young people; Whistleblowing;

There is a national Complaints Policy that is accessible to all clients.

Within the network of RS CCCs , in addition to the above polices and to the Standards and Practice Procedures there are also policies relating to staff recruitment, for 3rd party access to RS CCCs, for training, play equipment, toys etc.

### **Safety**

The safety of children, their families, staff and volunteers are 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 assessed to be unsafe for the child or the resident parent. Staff and volunteers are always either directly in the room with clients and their children (supervised contact and in some Member Services supported) or just outside the room (supported contact). As previously mentioned two members of staff will be on duty at all times when the CCC is open to users of the services

### **Voluntary Nature of use of RS CCCs**

All adults wishing to use an RS CCC have a one to one appointment regarding the service(s) they wish to use when this framework of procedures and policies are explained. Once an agreement has been reached among the parties (including the Member Service) parents are invited to an individual pre-contact visit when staff at the

centre can explain any further specific local conditions (presence or otherwise of a garden area and where all facilities are in the particular centre).

RS is aware that contact services are, in many cases, not considered necessary or wished for by at least one parent. If agreement cannot be reached about use of the centre on a voluntary basis between the parents, then one or both can proceed to court where a decision could be made by the court. Again, there must be, for our Member Services, an agreement about how our services may be used (for example agreeing staggered arrivals).

If Member Services do not consider they are able to offer a service that is assessed as safe for the particular family (and other existing CCC users) then a contact service may not be able to be offered despite the existence of a court order. Similarly, once contact has commenced at an RS CCC with a family, circumstances can arise whereby the Member Service assess they are no longer able to offer a contact service and so may suspend a service and ultimately following further risk assessment may end a service to a particular family.

**Points of clarification, with reference to Sections 4.05 to 4.21 of the Consultation document**

4.05/4.06 RS does not *manage* the Member Services. RS supports and quality assures its affiliated Member Services, who are independent organisations within the RS network.

4.06 RS CCCs follow a substantial number of policies, as detailed above

4.07 There are a number of different forms of contact, as detailed above

4.08 For RS CCCs in 2017/18 3412 adults used a CCC of which 1197 were new clients around 2000 were able to maintain contact with a non-resident parent.

4.10 For RS CCCs in 2017/18, 39% of referrals were from court, 40% from solicitors, 16% self-referrals and the balance of 5 % from other agencies

4.11 There is usually a charge for supervised contact and, for some Member Services, for supported contact

4.12 The rights, safety and welfare of children are paramount in RS CCCs

4.13 RS CCCs are currently monitored through national standards, procedures and policies.

- RS CCCs are operated in safe premises which are fit for purpose although some centres offer better and different facilities. Given the geographical challenges in Scotland and lack of availability of potentially suitable premises in specific areas Member Services provide appropriate premises often using

local venues. While these may vary across each Member Service and across Scotland with some offering a range of modern facilities and others offering a more modest environment, all premises meet legislative health and safety standards. If the 'gold standard' was the minimum standard, it is likely contact centres across Scotland would close, particularly in large rural areas where appropriate accommodation is less available. A *model* contact centre would have facilities such as multiple entrances, disabled access, modern play facilities, sufficient waiting spaces. There could also be facilities for other services at the same time e.g. Child counselling and mediation.

- Annual training is required for staff on a number of subjects and several of the RS CCC training programmes are currently being revised. Areas of training include practicalities of CCC management, child protection, confidentiality, health and safety, domestic abuse, working with families in conflict and reluctant children.
- RS CCCs have a complaints procedure for service users (and 3rd parties). This complaints procedure includes processes initially within the Member Service and if not resolved appeal may be made to RS National office.

4.14 One of the principles of RS CCCs is that the staff do not have **care** of the children within the CCC. Staff have a general duty of care in respect of the premises and their users. The only time the staff have care of a child is, if parents do not agree to meet in the centre, when taking the child from one parent to another when 2 members of staff are involved in the transfer between parents. Other than that particular circumstance **the parent bringing the child to the CCC and then the parent coming to spend time with the child in the CCC have responsibility for the care of the child.**

4.15 RS CCCs operate under national policies, guidelines and standards as detailed above, and participate in a quality assurance scheme on a 3 year cycle, similar to members of NACCC. There would need to be consideration of the oversight of the four independent centres.

4.21 If only places used 'wholly or mainly as CCC's' were regulated what would be the implication for venues that are only sometimes used as CCCs? What would be the distinction?