



## Contact Consultation

July 2021

### About Together (Scottish Alliance for Children's Rights)

Together (Scottish Alliance for Children's Rights) is an alliance that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) and other international human rights treaties across Scotland. We have over 450 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led after school clubs. Our activities include collating an annual *State of Children's Rights* report to set out the progress made to implement the UNCRC in Scotland. The views expressed in this submission are based on wide consultation with our members but may not necessarily reflect the specific views of every one of our member organisations.

Question 1	Answer
How important do you feel it is that each of the following areas are included in the regulations for minimum standards of accommodation? (Very important, somewhat important, fairly unimportant, very unimportant)	See below
<ul style="list-style-type: none"> <li>are clean, bright, warm, well maintained and well ventilated</li> </ul>	Very important
<ul style="list-style-type: none"> <li>are safe and secure (including any outdoor areas), free from avoidable hazards, and have a secure entry system</li> </ul>	Very important
<ul style="list-style-type: none"> <li>have toilets and nappy changing facilities and (where available) kitchen facilities that are in good condition with access to hot and cold water and compliant with existing environmental health and safety requirements</li> </ul>	Very important
<ul style="list-style-type: none"> <li>have furniture, soft furnishings, toys and equipment (including outdoor play equipment) and appliances/fittings that are in good condition and compliant with health and safety requirements, including British Standards Institution (BSI) safety standards</li> </ul>	Very important
<ul style="list-style-type: none"> <li>have adequate space to meet the needs of children and families using the centre, including sufficient waiting areas</li> </ul>	Very important
<ul style="list-style-type: none"> <li>have at least two separate entrances/exits, where possible</li> </ul>	Very important
<ul style="list-style-type: none"> <li>have access to age appropriate and good quality play equipment and play spaces, including outside space where possible</li> </ul>	Very important

<ul style="list-style-type: none"> <li>• have clearly defined emergency evacuation plans in place that staff, parents and children are aware of and that are well signposted</li> </ul>	Very important
<ul style="list-style-type: none"> <li>• have fire safety equipment that conforms with BSI safety standards</li> </ul>	Very important
<ul style="list-style-type: none"> <li>• have a first aid box</li> </ul>	Very important
<p>Do you have any further comments regarding your selections?</p>	<p>Together welcomes the opportunity to submit a consultation response on the regulation of child contact centre services.</p> <p>We support the submission made by Scottish Women’s Aid and have drawn from this in preparing our response. We refer to “women and children” throughout, recognising women are disproportionately affected by domestic abuse. By ‘children’ we mean all individuals under the age of 18, in accordance with Article 1 of the <a href="#">UN Convention on the Rights of the Child (UNCRC)</a>.</p> <p>The UNCRC sets out the human rights every child has and it explicitly recognises in <a href="#">Articles 9 and 18</a> that parents and families play a central role in ensuring children grow up healthy, happy and safe. Article 9 sets out that children who are separated from one or both parents have the right to maintain personal relations and direct contact with both parents on a regular basis, unless it is contrary to their best interests. In addition, Article 18 recognises that both parents are responsible for the upbringing and development of the child (UNCRC Article 18).</p> <p>The UNCRC places duties on governments to support the child's family and to invest in family support and child protection. Child contact centres offer the opportunity for families to maintain contact with each other. All of the suggested minimum standards for accommodation made above are vital when creating a supportive, child-friendly environment.</p> <p>Together echoes the support shown by Scottish Women’s Aid for these minimum</p>

	<p>standards, as they can to ensure children’s rights are protected, respected, and fulfilled – in particular:</p> <ul style="list-style-type: none"> <li>• By making both indoor and outdoor areas safe and secure, this can support children’s right to have a private family life (<a href="#">UNCRC Article 16</a>).</li> <li>• The right to engage in play and recreational activities appropriate to the age of the child is supported by equipping contact centres with age appropriate and good quality play equipment and play spaces, and where possible outside space to play (<a href="#">UNCRC Article 31</a>).</li> <li>• Secure entry systems and having at least two separate entrances and exits helps to protect children and women who have experienced domestic abuse (<a href="#">UNCRC Article 19</a>).</li> </ul>
<b>Question 2</b>	<b>Answer</b>
<p>Are there any other areas that should be considered for the minimum standards for accommodation? Yes / No / Don't Know</p>	<p>Yes</p>
<p>Why did you select your answer? If you have answered yes, please list the areas you consider should be covered.</p>	
<p><b>Participation/co-design</b></p>	<p>When making a decision that will affect children, such as what minimum standards to put in place, children should be involved in the process (<a href="#">UNCRC Article 12</a>). Underpinned by <a href="#">General Comment no. 12</a>, special care should be taken to ensure <i>all</i> children can express their views and have these heard, including children who are often seldom heard, such as young children, disabled children and children for whom English is an additional language.</p> <p>Children are also entitled to be provided with clear feedback on how their participation has influenced any outcomes and whenever possible, children should be given the opportunity to participate in follow-up processes or activities. In doing</p>

	<p>so, children can continuously offer feedback and suggestions on how child contact centres can better ensure the full range of their rights under the UNCRC.</p>
<b>Disability</b>	<p><a href="#">Article 23 of the UNCRC</a> recognises the rights of all disabled children to live a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community. Article 2 recognises children's right to be free from discrimination. To ensure <i>all</i> children can use contact centres, the minimum requirements should expressly include contact centres' obligations under these articles and the duty to make reasonable adjustments under the <a href="#">Equality Act 2010</a> to facilitate the use of their premises by disabled people.</p>
<b>Safety</b>	<p>Together asks for greater clarity to confirm if 'sufficient waiting areas' include separate waiting areas (and not 'safe rooms' that women are put in while perpetrators of domestic abuse have unrestricted use of the rest of the space). Scottish Women's Aid has highlighted the importance of separate waiting rooms to facilitate safety for women and children.</p> <p>Moreover, survivors of domestic abuse using Scottish Women's Aid services have expressed the view that CCTV should be included as a minimum standard for accommodation, both inside and outside the centre. Knowing that there would be CCTV evidence of any abusive interaction, can help to make sure children and women feel safer from abusive behaviour perpetrated in the public areas of contact centres and outside of the premises.</p>
<b>Transportation</b>	<p>Scottish Women's Aid notes that for children and women living in rural areas especially, the journey to a contact centre can raise serious safety concerns. Often, due to limited public transport, they have to use the same bus or train as the perpetrator of domestic abuse. Together</p>

	recommends that to protect children’s rights under <a href="#">Article 19 of the UNCRC</a> , regulation of the physical space of contact centres a should go beyond the internal accommodation.
<b>Question 3</b>	<b>Answer</b>
Do you agree with the proposed process for and frequency of inspections for a providers registered premises? Yes / No / Don't Know	Don't know
Why did you select your answer?	
<b>Question 4</b>	<b>Answer</b>
Do you agree/disagree with the proposed sanctions for non-compliance with the accommodation standards? Yes / No / Don't Know	Don't know
Why did you select your answer?	
<b>Question 5</b>	<b>Answer</b>
Should the same minimum standards that apply to registered premises also apply to alternative premises? Yes / No / Don't Know	Yes
Why did you select your answer?	<p>As noted in the consultation paper - the regulation of accommodation provides an opportunity for consistency of quality for those using the premises, enabling children to have access to the same standard of accommodation, regardless of their location (<a href="#">UNCRC Article 2</a>). Together welcomes the fact this view is supported by the accompanying draft Islands Communities Impact Assessment, which highlights that it is important to ensure that children and families in island communities experience the same standards at child contact centres as children and families on the mainland of Scotland.</p> <p>Alternative premises may be needed to accommodate for the unexpected closure of the registered premise. The use of alternative premises can ensure the continuation of contact between children and their family <a href="#">members (UNCRC Article 9)</a> and it essential that the accommodation and arrangements fully respect all children’s rights.</p>
<b>Question 6</b>	<b>Answer</b>

Are there any other areas that you think should be included in the minimum standards for alternative premises used on an ad hoc basis? Yes / No / Don't Know	Yes
Why did you select your answer?	Please see Together's answer for question two.
<b>Question 7</b>	<b>Answer</b>
Do you agree/disagree with the proposed process for inspections for alternative premises used on an ad hoc basis? Yes / No / Don't Know	Don't know
Why did you select your answer?	
<b>Question 8</b>	<b>Answer</b>
Should a contact centre provider be able to self-certify a premises as appropriate in situations where alternative premises are required unexpectedly or in an emergency? Yes / No / Don't Know	Don't know
Why did you select your answer?	
<b>Question 9</b>	<b>Answer</b>
Do you think the proposed arrangements to help ensure compliance with existing duties under the 2010 Act in relation to disabled access at child contact centres are adequate? Yes / No / Don't Know	Don't know
Why did you select your answer?	<p>As outlined in the accompanying draft Equalities Impact Assessment, UK-based research suggests that there may be relatively large numbers of disabled children using contact centres. Many family members and other adults using contact centres may also be disabled.</p> <p>By being under a duty to think in advance about what people with a range of impairments might reasonably need, this can help child contact centres to make reasonable adjustments for disabled children, parents and extended family members.</p> <p>We believe that it would be beneficial if child contact centres provided child-friendly, accessible information to children to inform them of their right to have reasonable adjustments made if they are disabled. Underpinned by <a href="#">Article 12 of the UNCRC</a> and <a href="#">General Comment no. 12</a>, children's involvement could help to identify any further reasonable adjustments which were not originally</p>

	anticipated. In turn, this can help to ensure child contact centres protect, respect and fulfil children’s rights under <a href="#">Articles 2 and 23 of the UNCRC</a> and the <a href="#">Guiding Principles of the Convention on the Rights of Persons with Disabilities</a> .
<b>Question 10</b>	<b>Answer</b>
<p>These are the key areas we consider staff and volunteers in child contact centres working with children and families should be trained in under the proposed standards (other than staff or volunteers carrying out administrative or maintenance roles).</p> <p>Please rate each on whether you feel it should be: <b>Required</b> for all staff (except those in administrative roles), <b>Desirable</b> for some staff to complete, but not required for all staff, or <b>Not required</b> for any staff to complete.</p>	
<ul style="list-style-type: none"> <li>• child protection</li> </ul>	Required
<ul style="list-style-type: none"> <li>• understanding domestic abuse, particularly the dynamic of coercive control</li> </ul>	Required
<ul style="list-style-type: none"> <li>• understanding the ways adults can influence a child</li> </ul>	Desirable
<ul style="list-style-type: none"> <li>• working with families in conflict</li> </ul>	Required
<ul style="list-style-type: none"> <li>• responding to children's needs and behaviour</li> </ul>	Required
<ul style="list-style-type: none"> <li>• child development, including learning disabilities and developmental disorders</li> </ul>	Required
<ul style="list-style-type: none"> <li>• risk assessments</li> </ul>	Required
<ul style="list-style-type: none"> <li>• parental mental health</li> </ul>	Required
<ul style="list-style-type: none"> <li>• drug and alcohol misuse</li> </ul>	Required
<ul style="list-style-type: none"> <li>• awareness of other services that are available for children and young people</li> </ul>	Required
<ul style="list-style-type: none"> <li>• proficient recording of contact</li> </ul>	Required
<ul style="list-style-type: none"> <li>• reporting on contact</li> </ul>	Required
<ul style="list-style-type: none"> <li>• observing supervised contact</li> </ul>	Required
<ul style="list-style-type: none"> <li>• complaints handling</li> </ul>	Required
Do you have any further comments regarding your selections?	Together welcomes the recommendation to introduce national standards to create consistency in staff training and knowledge across the sector. This training must be child rights-based in line with <a href="#">General Comment 5</a> . We welcome the proposal of all child contact centre staff and volunteers being part of the PVG membership scheme, as this can protect at-risk vulnerable groups using the centre.

	<p>It is crucial that staff have knowledge and an understanding of children’s rights under the UNCRC, and that children’s rights are mainstreamed throughout all training. <a href="#">Article 3 of the UNCRC</a> sets out children’s best interest must be a top priority in all decisions and actions that affect them, and children should be supported to share their views freely and to have their thoughts considered in decisions that affect them (<a href="#">UNCRC Article 12</a>). To do this, staff should be required to have the skills set out in the <a href="#">Council of Europe Guidelines</a> on child-friendly justice.</p> <p>Together notes the proposed requirement on ‘understanding the ways adults can influence a child’. It is crucial that any such requirement is interpreted consistently with <a href="#">General Comment no. 14</a> on the best interests of a child. Paragraph 34 stresses the importance of decisions being made in a <i>child’s</i> best interests, and the need to guard against parents who may try to manipulate the concept to defend their own interests.</p>
<b>Question 11</b>	<b>Answer</b>
<p>These are the areas we consider that it may be desirable for certain staff at the child contact centre to have training in depending on their role, but that these wouldn't necessarily be required as minimum standards under the regulations.</p> <p>Please rate each are on whether you feel it should be: <b>Required</b> for all staff as a minimum standard (except those in administrative roles), <b>Desirable</b> for some staff to complete, but not required for all staff, or <b>Not required</b> for any staff to complete.</p>	<p>See answers below</p>
<ul style="list-style-type: none"> <li>• an introduction to trauma</li> </ul>	Required
<ul style="list-style-type: none"> <li>• adverse childhood experiences</li> </ul>	Desirable
<ul style="list-style-type: none"> <li>• positive transitions</li> </ul>	Desirable
<ul style="list-style-type: none"> <li>• attachment theory in child development</li> </ul>	Desirable
<ul style="list-style-type: none"> <li>• brain development</li> </ul>	Desirable
<ul style="list-style-type: none"> <li>• working with families where English is not their first language</li> </ul>	Required
<p>Do you have any further comments regarding you selections?</p>	<p><a href="#">Article 12 of the UNCRC sets</a> out children have a right to be heard in all matters that affect them. Staff should have training on how to support children’s participation</p>



	<p>and create child-friendly environments. This training should draw from the basic requirements for participation set out in General Comment 12 and draw upon the <a href="#">Common Core of Skills, Knowledge and Understanding for the Children’s Workforce</a>.</p> <p>Staff should be trained in accessible and child-friendly communication, including supporting the expression of views for minoritised and migrant children and children who do not speak English as a first language.</p> <p>Together has always been clear that the UNCRC provides the international legal framework through which Adverse Childhood Experiences can be prevented and their impacts mitigated. Preventing and mitigating the impact of ACEs this can be achieved by ensuring that trauma informed practice to prevent and mitigate the impact of ACEs takes a rights-based approach. Fundamentally, ACEs involve the violation of children’s rights, a rights-based approach is therefore the most effective way of preventing and responding to them.</p>
<b>Question 12</b>	<b>Answer</b>
<p>These are the areas we would not plan to lay down as minimum standards under the regulations, but we would expect providers to ensure that members of staff have an awareness and understanding.</p> <p>For each area please indicate whether you <b>Agree</b> or <b>Disagree</b> with the proposed approach or if you <b>Don't Know</b>.</p>	
<ul style="list-style-type: none"> <li>• health and safety</li> </ul>	Don’t know
<ul style="list-style-type: none"> <li>• equality and diversity</li> </ul>	Don’t know
<ul style="list-style-type: none"> <li>• confidentiality and disclosure of information</li> </ul>	Don’t know
<ul style="list-style-type: none"> <li>• anti-harassment and anti-bullying</li> </ul>	Don’t know
<ul style="list-style-type: none"> <li>• medication and nutrition</li> </ul>	Don’t know
<ul style="list-style-type: none"> <li>• disciplinary/whistleblowing</li> </ul>	Don’t know
<ul style="list-style-type: none"> <li>• practicalities of child contact centre management/admissions</li> </ul>	Don’t know
<p>Do you have any further comments regarding your selections?</p>	<p>If staff are expected to have an understanding of the above factors then, to ensure this, they should be included in minimum standards for training.</p>

	<p>Ensuring members of staff have an awareness and understanding of these will particularly support the following children’s rights set out in the UNCRC:</p> <ul style="list-style-type: none"> <li>• <a href="#">Right to health - Article 24</a></li> <li>• <a href="#">Principle of non-discrimination – Article 2</a></li> <li>• <a href="#">Protection from violence, abuse and neglect - Article 19</a></li> <li>• <a href="#">Access to information – Article 17</a></li> <li>• <a href="#">Right to privacy – Article 16</a></li> <li>• <a href="#">Best interest of the child - Article 3</a></li> <li>• <a href="#">Recovery from trauma – Article 39</a></li> </ul>
<b>Question 13</b>	<b>Answer</b>
<p>Are there any other areas that should be considered for child contact centre staff training standards?</p> <p>Yes / No / Don't Know</p>	<p>Yes</p>
<p>Why did you select your answer?</p>	<p>The UN Committee on the Rights of the Child’s recommends that children’s rights training is systematic and ongoing (<a href="#">General Comment no. 5</a>). This training should include specific training on the UNCRC itself, as well as ensuring all other training is child rights-based.</p> <p>Moreover, the <a href="#">UNCRC (Incorporation) (Scotland) Bill</a> reinforces the need for child rights-based approaches, including training and children's participation. Once the Bill is in force, public authorities and those delivering public services (including contact centres) will be required to report every three years on what they are doing to meet the requirements of the UNCRC. Requiring all staff to complete said training will support the implementation of this duty by ensuring staff are confident and skilled in upholding children’s rights, that they have the skills to empower and support all children to participate in decisions that affect their lives (including young children and children with communication needs), and for adults to take children’s view into account.</p> <p>There are also several issues identified in the accompanying draft Equalities Impact Assessment that would be pertinent for</p>

	contact centre staff to have knowledge and awareness of, including training/awareness of cases where a child is uncertain about their own gender, awareness of different kinds of families, as well as duties under <a href="#">Equalities Act 2010</a> . Child rights-based training should take these issues into account.
<b>Question 14</b>	<b>Answer</b>
Do you agree/disagree with the proposed process for monitoring of training requirements?  Yes / No / Don't Know	Don't know
Why did you select your answer?	Training requirements must be effectively monitored to support contact centres in fulfilling their three-year reporting duties under the <a href="#">UNCRC Incorporation (Scotland) Bill</a> .
<b>Question 15</b>	<b>Answer</b>
Do you agree/disagree with the proposed process for raising complaints against a child contact service?  Agree / Disagree / Don't Know	Don't know
Why did you select your answer?	<p>Together welcomes the commitment to create a child-friendly complaints mechanism. An effective procedure which is accessible to all children will help support the realisation of their rights under the UNCRC, including <a href="#">Article 12</a>.</p> <p>To ensure the processes are truly child-friendly and accessible, children must be fully involved in the development and evaluation of these processes. Children should also be involved in the development and design of any information about them.</p> <p>Together proposes that all staff handling complaints must have rights-based training to ensure consistency and equitable practice. Moreover, Together proposes that independent advocates are widely available and accessible to children so they can feel supported to make a complaint.</p>
<b>Question 16</b>	<b>Answer</b>

Do you agree/disagree with the proposed process for raising complaints against individual members of staff and volunteers?  Yes / No / Don't Know	Don't know
Why did you select your answer?	
<b>Question 17</b>	<b>Answer</b>
Do you have any suggestions on how guidance on complaints procedures should be made accessible to children using child contact centre services?  Yes / No / Don't Know	Yes
Why did you select your answer?	To ensure complaints procedures are accessible to all children and young people ( <a href="#">General Comment no. 5</a> ), the following is required: <ul style="list-style-type: none"> <li>• Children are involved in creating and evaluating the child-friendly complaints mechanisms, as well as any information that accompanies them.</li> <li>• Children are made aware of who they can go to for help, and that these <a href="#">adults are trained on how to listen to children and young people.</a></li> <li>• child-friendly information is made available in a range of formats (such as Easy Read, videos, audio), and in different languages. This can help to ensure children understand and know about their right to complain, as well as how to do so, as some children have said that <a href="#">their lack the knowledge, experience and power to engage with bureaucratic processes can make it challenging to raise a complaint.</a></li> </ul>
<b>Question 18</b>	<b>Answer</b>
Do you agree/disagree with the proposed process for a child contact centre raising complaints against the regulatory body?  Yes / No / Don't Know	Don't know
Why did you select your answer?	
<b>Question 19</b>	<b>Answer</b>

<p>Should the right to appeal by a child contact centre of a decision made by the regulatory body be to the sheriff court?</p> <p>Yes / No / Don't Know</p>	<p>Don't know</p>
<p>Why did you select your answer?</p>	
<p><b>Question 20</b></p>	<p><b>Answer</b></p>
<p>As we continue to develop these policy proposals and work to understand their potential impact, do you have any comments about, or evidence relevant to, any of the following:</p> <p>a) the draft Business And Regulatory Impact Assessment Yes/No  b) the draft Child Rights and Wellbeing Impact Assessment Yes/No  c) the draft Data Protection Impact Assessment Yes/No  d) the draft Equality Impact Assessment Yes/No  e) the draft Fairer Scotland Duty Assessment Yes/No  f) the draft Islands Impact Assessment Yes/No</p>	<p>B (yes)</p>
<p>If you have answered yes please provide your comments.</p>	<p>Within the CRWIA itself, sufficient data collection can help to analyse the impact of this policy on the rights of different children and groups of children. However, we note concerns from Scottish Women's Aid that the draft CRWIA has a wide range of data gaps which are not yet highlighted, and it is essential that these are addressed.</p> <p>For example, within question four of the CRWIA when discussing the negative impact on children these regulations may have, the CRWIA states: 'there is a risk that over-regulation could lead to the closure of some existing child contact centres and reduce the availability of these services for children and young people.' Together is glad to see this concern being identified, however there is no data disaggregation on the distance children are away from the current 45 child contact centres. The distance current users are away from these centres will therefore impact the degree to which children and parents can access different centres. Moreover, there is little information within the CRWIA on how women and children access these centres</p>

	and what impact closure of these contact centres would have on their travel arrangements. As mentioned in question two, children, young people and women living in rural areas often have to use the same public transport with perpetrators of domestic abuse in aid of getting to contact centres.
<b>Question 21</b>	<b>Answer</b>
Do you have any further comments?  Yes / No	Yes
If you answered yes, please provide your comments	Aside from the associated CRWIA, Together notes that there is little mention in this consultation paper on the rights of children or the upcoming implementation of the <a href="#">UNCRC Incorporation (Scotland) Bill</a> . While contact centres themselves will not be reporting on compliance with the UNCRC, public bodies that fund or commission the centre's services will have a duty to report. Therefore, we believe that regulations regarding training requirements, accommodation standards and the creation of a child-friendly complaints process, must be implemented with the use of a child rights-based framework. A child rights-based framework would also be a useful tool for contact centres to begin analysing what changes they may need to make to be compliant with regulation. In turn, compliance with the UNCRC can ensure children's views are heard and that their best interests are at the centre of contact and residence cases.

For further information, please contact Naomi Sutton, Policy and Communications Assistant

**Together (Scottish Alliance for Children's Rights)**

Tel: 0131 510 1565 Email: [naomi@togetherscotland.org.uk](mailto:naomi@togetherscotland.org.uk)

Web: [www.togetherscotland.org.uk](http://www.togetherscotland.org.uk) Twitter: [@together\\_sacr](https://twitter.com/together_sacr)

The Melting Pot, 15 Calton Road, Edinburgh, EH8 8DL