

Bairns' Hoose Draft Standards: CYCJ's response

Do you have any general comments on the standards?

CYCJ believes that the creation of the Bairns' Hoose is a welcome step in achieving a rights-respecting response to children in need, and those under the age of criminal responsibility who may have caused harm. The proposed standards are sound and offer a good starting point upon which services can build provision which reduces the harmful elements of child protection and welfare investigations. We note that they are based upon existing PROMISE standards found on continental Europe, and as such feel reassured that they are shaped by several years of practice and are likely to provide the level of care required.

That being said, it is regrettable that the opportunity to provide a Bairns' Hoose which serves the needs of all children has not been taken, and that a large number of children will continue to face the daunting and often traumatising experience of unnecessary contact with the criminal justice system. Children suspected of having caused harm will continue to be exposed to stark and austere environments, procedures and approaches which do not prioritise the wellbeing of children. Perpetuating a two-tier system to respond to the needs of children will not advance the cause of making Scotland the best country for children to grow up, nor will it move us closer to becoming a rights-respecting nation.

More widely, CYCJ notes the challenges that local authorities and other statutory partners face in delivering a Bairns' Hoose that incorporates the four constituent services under the one roof. Through a combination of limited service capacity and geographical considerations, some local authorities may find it acutely difficult to ensure equitable access to provision. This is particularly relevant for island and rural communities whose geographical features preclude the clustering of all four services in the one locality, and budget constraints which act as a barrier to the creation of multiple Bairns' Hooses across the local authority. It may therefore prove apposite to adopt a regional approach, with centralised funding committed by government. This could minimise the impact of financial inequalities across local authorities, pockets of limited provision and geographical constraints.

We are heartened to see an accessible version of the standards and believe that all bodies concerned in the delivery of children's services should mirror this practice in the years to come. This goes a small way towards respecting the rights of children to be made aware of the systems around them, as does the role that children and young people played in the creation of both the accessible and the general standards. Those involved in the creation of the standards should be commended for ensuring children had the opportunity to participate in the production of these standards which, on the whole, are clear and concise.

Standard 1: Key principles and the rights of the child

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

CYCJ is supportive of Standard 1 in its current format and believe that this sets a sound basis for the development and delivery of the Bairns' Hoose. We are particularly pleased to see an expectation that children and young people should be involved in the design of the service and believe that this sets an important example to other branches of government and civic society. This must not be tokenistic, and the involvement of children and young people at the earliest possible stage of the design of the service is essential. This both secures better results and ensures that the insights of children are meaningful.

A sound understanding of the complexities around a child's ability to communicate with staff, parents and others is important in order to deliver an effective service. Children who come into conflict with the law often experience speech, language and communication needs. Ensuring that staff working within the Bairns' Hoose are aware of this, and are equipped to deliver an effective service is essential, and thus CYCJ is pleased to see recognition of this within the proposed standard.

CYCJ believes that the vast majority of children who require a Bairns' Hoose service will have experienced traumatic experiences of some form. Indeed, the incident which may precipitated the use of a Bairns' Hoose may very well be such an incident. For that reason, CYCJ is pleased to see recognition of the needs for a suitably trauma-informed workforce within the Bairns' Hoose.

Whilst the provision of online materials will assist children and their families to understand the Bairns' Hoose service, it is important that alternative formats are available. This can avoid digital exclusion, particularly given the impact of poverty upon people's access.

Overall, this standard appears to achieve a rights-respecting approach to many children who would benefit from a Bairns' Hoose service. Sadly, current criteria - and the absence of a child friendly justice system - means that some children will continue to have their rights impinged upon.

Standard 2: Collaborative leadership and governance

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

Whilst broadly supportive of standard 2, CYCJ believes there are further considerations that should be made in order to deliver a service that best meets the needs of children using the Bairns' Hoose service.

CYCJ notes that children themselves, or the voices of those who have experience of Bairns' Hoose, feature less within this standard than could be the case. Whilst their opportunity to reflect on their experience of the service has been noted, this is less meaningful than the creation or commissioning of services which ensure that children are supported to influence the governance and operational delivery of the Bairns' Hoose service. The standard could be strengthened through incorporating means by which children and young people with experience of the child protections systems feature within the governance of the Bairns' Hoose. This, perhaps, could be

addressed by local authorities involving such voices within their child protection planning and oversight.

CYCJ notes the inclusion of complaints procedures within this standard. This is to be welcomed and provides children with the opportunity to challenge poor practice. From CYCJ's discussion with children involved in the justice systems, we know that it may prove worthwhile clarifying the independence (if any) of this complaint process, as children may be dissuaded from raising a formal complaint against the very same organisation involved in investigating it.

Standard 3: Inclusive access

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

Broadly, CYCJ is supportive of the proposed standard and believe that the Bairns' Hoose must be a space that is designed in a manner which allows all children to access it. The building must be appropriately equipped to cater for children and families who require a range of adaptations and adjustments.

For those children who have caused harm, it is important to recognise the speech, language and communication needs often encountered amongst that cohort. Staff within the Bairns' Hoose must be equipped with the skills, abilities and knowledge that assists them to effectively communicate.

We note the challenges that some local authorities may face in achieving this standard due to the geographical and economic barriers faced across the country, as previously outlined within this submission. Greater clarity over standard 3.4 is therefore required; the term 'feasible' is open to various interpretations and could lead to significant variation in implementation.

Standard 4: Design and environment

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

CYCJ is once again supportive of this standard and feel that it establishes material provision which will be in the best interests of the child. We are particularly pleased to see that children ought to be involved in the design of the Bairns' Hoose, and believe that this will go some way towards creation of a service that would otherwise have been impossible to achieve.

CYCJ notes the important inclusion of standard 4.1 which calls on the co-location of "health, police, social work, recovery and justice services...under one roof unless it is demonstrably not in

the best interests of children". Whilst this principle is one which CYCJ agrees with, it seems to suggest that a "four services, one roof" approach will be the default, when the financial and geographical limitations highlighted earlier could prohibit the provision of such a level of service. Although we feel that service provision must be predicated on the best interests of the child, this standard appears to be difficult to achieve under current circumstances.

The principles behind this standard are sound and should create a comfortable and homely environment for children to visit. This was important to several children that CYCJ has spoken to over recent years, who commented on the barriers that were created through 'adult settings' such as offices, whilst customs such as uniforms, identify badges and lanyards further serve to hinder the development of rapport.

In order to achieve this standard, it is important that skilled community education and participation workers are commissioned to garner the views of children as to what the lay out and décor of the Bairns' Hoose should be. This must be meaningful and take place at the earliest possible stage. Merely seeking approval at the end of a design process will not result in this standard being met and is likely to lead to creation of a service that is not fit for purpose.

Standard 5: Planning for children

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

CYCJ is fully supportive of this standard and believes that ensuring choice within the Bairns' Hoose service will help create a more comfortable experience for those who use it.

Standard 5.2 is of particular importance. Children and young people often told the Independent Care Review that reading case files regarding their childhood was a damaging experience, with language used that appeared cold, derogatory and focussed on the negative aspects of the child's life. This must be avoided within Bairns' Hoose, where compassionate and clear recordings should be produced.

Working across several systems and organisations is a challenging task, and the training, expertise and skills of those who coordinate these distinct elements is of paramount importance. To achieve the standard, recruitment must secure the services of a particularly skilled group of staff who understand the combined ambitions of Bairns' Hoose, as well as the distinct functions of the four services. Recruitment of such highly skilled practitioners may be challenging, and thus consideration of how best to achieve this task should be given, and funding committed in order to attract the best possible candidates.

Standard 6: Interviews in the Bairns' Hoose

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

<p>Kind of disagree Completely disagree Don't know</p>
<p>There is little within Standard 6 to disagree with. The content mirrors much within existing Joint Investigative Interviewing practice and thus provides a sound basis upon which to develop practice within Bairns' Hoose.</p> <p>It is right that this standard focuses on the adversities and traumatic experiences that most - if not all - children accessing Bairns' Hoose have encountered. Securing the best possible group of staff to work within Bairns' Hoose is essential in order to meet this standard, and as such training, resources and investment will be required.</p> <p>Availability of skilled translators or interpreters may prove challenging. Those delivering Bairns' Hoose may wish to consider how best to ensure that children of non-English speaking backgrounds are not disadvantaged due to this. Recruitment of staff who can skilfully undertake interviews in a range of languages may be preferable to introducing a third party who may hinder the process of communication and relationship building.</p>
<p>Standard 7: Support through the court and legal process</p> <p>Do you agree with the content of this standard, including the statement, rationale and criteria? Completely agree Kind of agree Neither agree or disagree Kind of disagree Completely disagree Don't know</p>
<p>Appearing in court can be a damaging and frightening experience for children, and thus any measure which reduces this should be considered. This - and other factors - lead CYCJ to support standard 7.</p> <p>Access to independent advocacy has been an area of growing demand in the past few years, and its inclusion within this standard is likely to increase that further. Local authorities and other partners may therefore need to consider capacity within their locality, and what steps are required to meet that. Existing practice in response to child protection concerns do not necessarily lead to a referral to advocacy services, and as thus this standard may result in a greater volume of referrals.</p> <p>More broadly, Scotland's ambition of being a rights-respecting nation, and one which adheres to the principles of the UNCRC, can be realised through much of standard 7. It is important that children involved in the Bairns' Hoose process are aware of their rights and the legal mechanisms which may be initiated. Staff within the resource must therefore be fully conversant with the range of rights related issues that are relevant, and should be able to provide information and resources to children and families in an accessible manner.</p> <p>Standard 7.2 is perhaps a little too vague when referencing supports that are available following a child's visit to the Bairns' Hoose. CYCJ wonders if this will result in services being made available for a short period, or for a number of years thereafter. Will this be decided upon through a case-</p>

by-case basis, or will a uniform level of service be provided? Greater clarity around the duration of provision may help children to understand what support is available to them, and for how long.

Standard 8: Health and wellbeing

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

CYCJ supports the principles and spirit of standard 8; however, we have a number of queries over the implications of some of the sub-clauses.

Standard 8.1 refers to the delivery of health and wellbeing assessment, but fails to recognise the right of the child to decline or refuse this service.

Standard 8.2 calls on examinations that are undertaken outwith the Bairns' Hoose to be carried out in a child friendly setting. This may prove challenging given the existing childcare provision within the NHS and may require additional resource to achieve this standard.

Standard 8.3 refers to provision of various medical assessments 'without delay'. Given the geographical issues outlined previously, CYCJ wonders whether this is achievable and whether there may be delays due to significant distance of travel.

Standard 8.4 refers to the assessment of mental health issues within the Bairns' Hoose. CYCJ agrees with this position, but queries whether there is sufficient capacity within CMAHS or associated services to provide this level of care. To achieve this, we believe additional funding would be required.

Standard 9: Access to therapeutic recovery services

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

CYCJ fully supports this standard, and whilst achieving it may prove challenging, we believe that the ethos behind it is aspirational and is to be embraced. There are clear overlaps within this standard and the broader GIRFEC approach. This is also welcomed and should complement the wider systems and supports that may be in place.

Children who access Bairns' Hoose - regardless of the reason for referral - are likely to have encountered a range of adversities. The Bairns' Hoose must ensure that supports are made available to address these, if not being provided by others.

To achieve this, local authorities, health boards and others may need to consider the capacity of existing services. This requires adequate funding.

Standard 10: Multi-disciplinary staff training and support

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

Those accessing Bairns' Hoose require a skilled and supported workforce than can meet their needs adequately. Standard 10 touches on this issue and suggests a range of ways in which this could be achieved.

In order to provide this level of care, regular supervision and support to staff will be essential. This must be more than merely reviewing the progress of pieces of work; rather, it should focus on the mental and physical health of the staff members, their training needs, their confidence in dealing with the work and the identification of support where necessary. It must not become a technocratic exercise that merely serves the managerial functions of the organisations in question, and instead should focus on care and support.

Given the divergent histories and organisational cultures of the four services involved in Bairns' Hoose, creation of a shared vision and strategic ambition will be of importance. This will go a small way towards overcoming any differences that may arise through the disparate value bases, qualifications and training associated with the four services.

CYCJ agrees that a trauma-informed workforce is essential for this role and agrees that the level of knowledge required by those involved in the Bairns' Hoose will be greater than for most roles. Recruitment and training are therefore important issues to focus on in delivering this standard.

Standard 11: Prevention, sharing knowledge and learning from good practice

Do you agree with the content of this standard, including the statement, rationale and criteria?

Completely agree

Kind of agree

Neither agree or disagree

Kind of disagree

Completely disagree

Don't know

The instigation of Bairns' Hoose in Scotland will generate a large volume of learning, research opportunities and practice guidance. Standard 11 reflects this.

The data and information gathering within the Bairns' Hoose will be of great significance in better understanding the needs of those children who experience adversity, and thus the expectation that this information will be synthesised and disseminated is to be welcomed. To this end, it may prove worthwhile considering partnership agreements with CELCIS or similar bodies in order to achieve this ambition.

CYCJ is hopeful that this process will also provide further evidence and support for the use of Bairns' Hoose with children who may have caused harm over the age of criminal responsibility.

What support is needed to implement the standards?

Throughout this response CYCJ has highlighted a number of areas where increased financial capabilities will be required in order to secure the necessary resources, equipment and facilities.

A sufficiently trained and skilled workforce is likewise essential in order to achieve the ambitions set out by these standards; however, securing the best possible group of staff may prove challenging.

Is there anything that has been missed from the standards?

Given that the Bairns' Hoose may be used to provide evidence within the court setting, the standards could explicitly refer to the conduct of legal actors including judiciary, defence and prosecution services. An expectation that those individuals who are engaging with Bairns' Hoose on that basis act in the best interests of the child would be welcomed, and could ameliorate some of the less helpful elements of the court process.

How can people running a Bairns' Hoose show us they are meeting the standards?

Inspection against these standards by an independent regulatory body is one way in which the standards of the Bairns' Hoose can be tested. In such an instance it would be important to ensure that the voice and views of children and families who had experienced the service were given due weight.