

# Minister for Children and Young People submission of 27 October 2022

## PE1977/A: Require social services to inform biological fathers of concerns about their children

Thank you for the opportunity to respond to the above petition.

The petition asks the Scottish Government to amend the law and update the National Guidance for Child Protection to require social services to inform biological fathers of concerns about their children.

I want to assure you that the Scottish Government is committed to ensure that all children and young people grow up loved, safe and respected, through a consistent approach to care and protection.

The [National Child Protection Guidance in Scotland 2021](#) (“the guidance”) describes the responsibilities and expectations of everyone who works with, or comes into contact with children and young people, families and carers in Scotland. It incorporates our understanding of best practice from a range of sources, including practitioner and stakeholder experience, inspections, research, inquiries and learning from Significant Case Reviews.

This guidance is a comprehensive update of the previous 2014 version and was developed through a collaborative process informed by extensive public and stakeholder engagement, including a Scottish Government consultation. Whilst the guidance is non-statutory, the agencies primarily involved in child protection in Scotland, such as police and social work, have statutory duties of care and protection.

Throughout the guidance there is an emphasis on listening to children, participation of and support for families, and multi-agency partnership in core elements of child protection processes. Part 3 of the guidance provides information about such processes, including consideration, assessment, planning, and action required. It describes general principles on how practitioners should involve children and families in child protection processes as well as more specific guidance on information sharing in relation to certain practices, for example inter-agency referral discussions (IRD), Joint Investigative Interviews (JII), medical assessments and examinations.

When child protection measures are required, social work should include fathers where appropriate and where they have an active involvement in the child's life. If it is in the child's interest, it is safe to do so, and the relevant parental rights are in place, information should be shared and, where appropriate, the father's involvement should be part of the solution and future planning. Nonetheless, each set of circumstances are different and, as such, require professional assessment before information is shared, as appropriate to the child's plan. This assessment should always include the views of the child.

For example, legal issues can have an impact on sharing information where a father does not have parental responsibilities and rights (PRR). PRRs are set out in the Children (Scotland) Act 1995 and include the responsibility to safeguard and promote the child's health, development and welfare. If a father does not have PRRs, social work will request permission to share from the mother; if this is refused, such information cannot be shared.

In terms of a change to inform biological fathers automatically in regard to child protection concerns, it is likely that in some cases, this would place significant risks on both children and adults. For instance, in domestic abuse cases, sharing information around social work involvement could be used as a means of control by an abuser. The Domestic Abuse (Scotland) Act 2018 recognises this possibility and places a duty on courts in all domestic abuse cases to consider imposing a non-harassment order to protect the victim, be that an adult victim of abuse or in a range of circumstances where a child is involved. Other examples include where the child has requested that their father is not made aware and that request been assessed, particularly if there is no contact, to be in the child's interest; and where there may be risk of international abduction.

In finishing, I want to note that we will work with partners to review and update the guidance when required by significant legislative, policy or practice changes on an annual basis, with a broader review every three years to ensure it remains relevant and up to date. Sharing information with biological fathers and/or appropriate family members in child protection cases may be considered as part of our next annual review.

I hope that the Committee and petitioner find the information above helpful.