

EDUCATION COMMITTEE

Wednesday 17 March 2004
(Morning)

Session 2

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CHILD PROTECTION INQUIRY1097

EDUCATION COMMITTEE **9th Meeting 2004, Session 2**

CONVENER

*Robert Brown (Glasgow) (LD)

DEPUTY CONVENER

*Lord James Douglas-Hamilton (Lothians) (Con)

COMMITTEE MEMBERS

*Ms Wendy Alexander (Paisley North) (Lab)

*Rhona Brankin (Midlothian) (Lab)

*Ms Rosemary Byrne (South of Scotland) (SSP)

*Fiona Hyslop (Lothians) (SNP)

*Mr Adam Ingram (South of Scotland) (SNP)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)

Mr Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Bill Aitken (Glasgow) (Con)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Dr Linda De Caestecker (Scottish Executive Health Department)

Chris McIlroy (Her Majesty's Inspectorate of Education)

Gill Ottley (Scottish Executive Education Department)

Deputy Chief Constable Robert Ovens (Dumfries and Galloway Constabulary)

Stella Perrott (Scottish Executive Education Department)

Catherine Rainey (Scottish Executive Education Department)

Sarah Smith (Scottish Executive Education Department)

Chief Inspector Kate Thomson (Dumfries and Galloway Constabulary)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education Committee

Wednesday 17 March 2004

(Morning)

[THE CONVENER *opened the meeting at 09:50*]

Child Protection Inquiry

The Convener (Robert Brown): I welcome people to this meeting of the Education Committee. Just to show that there is life after the Education (Additional Support for Learning) (Scotland) Bill, we will be taking evidence on the child protection inquiry.

We are pleased to welcome officials from the Scottish Executive children and families division: Sarah Smith, the head of the division; Catherine Rainey, the manager of the child protection reform programme; and Stella Perrott, the principal professional adviser.

Sarah Smith (Scottish Executive Education Department): I thank the committee for inviting us to give evidence to the inquiry. It comes at a particularly helpful point for us, because we are one year into our three-year child protection reform programme. We have been concentrating on some key products that we have been trying to complete by the end of the first year, and are thinking about what we should be concentrating on in years 2 and 3. We have a range of ideas, but the committee's views and comments would be very welcome.

The Minister for Education and Young People wrote to the committee on 4 March, and attached a written memorandum giving information about progress on the child protection reform programme. I want to pick out some key points from that. Following the national audit and review report, "It's everyone's job to make sure I'm alright", in November 2002, the Executive stated that it would develop a three-year programme of sustained activity to reform child protection services and would bring in professional expertise from outside the Executive to support it in that work. Six seconded professional advisers, from a range of agencies and areas outside the Executive, work in Catherine Rainey's team. We have sought to engage with a wide range of stakeholders with an interest in child protection, to scope out what is needed better to protect children in Scotland. In doing that, we have drawn from the "It's everyone's job to make sure I'm alright" report, but we have also tried to draw from what

we have learned from a range of stakeholders, and from other reports and inquiries, both here and south of the border.

We have identified clear priorities for the first year of the reform programme's work. Those are: the development of a framework of multidisciplinary standards for child protection; a children's charter, to set out what every child has the right to expect in order to be properly protected; outline proposals for how we will inspect child protection in a multidisciplinary way; and guidance on the role and responsibilities of child protection committees. There will be a summit on Monday 22 March, at which ministers will present the products of the first year's work to leaders and chief executives of the key agencies in the delivery of child protection: local authorities, health boards, police and the voluntary sector.

This first year represents an intensive period of work, but there is much more to be done, the key issue being to translate the guidance in those products into more effective protection of children on the ground. The views of the committee on our proposed priorities for the next two years would be particularly welcome. In paragraph 13 of the memorandum we set out some key milestones for the child protection reform programme, but in paragraphs 6 and 14 we talk about a number of other areas that are not within the child protection reform programme itself but on which the Executive is working and on which we seek to make progress. Some of those areas are within my division and some of them are outside it. The other areas go wider than child protection but are also key to its success.

The minister referred in his cover letter to the timescale for the reform programme. Ministers judged that a three-year timescale for the programme provided enough time to build real and sustainable improvements in what is a complex area that concerns a wide range of agencies and professionals. It is clear that ministers expect reforms and improvements to be made throughout the period, not only at the end of it.

The Executive has been clear from the start about the importance of taking a partnership approach to improving child protection. We are clear that it is only by working with a wide range of agencies that we can develop practicable and workable solutions to the issues in this complex area. We have appreciated the support and engagement from colleagues to date including local authorities, health boards, police, children's reporters and the voluntary sector. We look forward to continuing close working with them during the next two years of the programme to secure improvements in practice and outcomes for children who are in need of protection.

We welcome members' questions and comments on our approach to date and our plans for the future.

The Convener: I will kick off the questions. Given some of the nasty inquiries that arise from time to time, there is a feeling that the programme is being carried out over a rather more protracted timescale than should be the case. I am interested in your views about the appropriateness of the timescale. Can we speed up the process? Are you hitting the nail on the head by tackling the key issues? You have dealt with some of those issues in the introduction, but the committee would like to push forward the process a bit more quickly. Will you give us guidance on the pressing areas on which quick action is needed?

Sarah Smith: Child protection is a key priority for the Executive. In the discussions about the response to the report "It's everyone's job to make sure I'm alright", which was written by a team led by Stella Perrot before she joined us as our professional adviser, we discussed the balance between short-term action and longer-term action that we felt might be more sustainable. We took some short-term action by providing support for helplines, but we felt that we needed to take enough time to talk to a wide range of stakeholders to ensure that we deliver real improvements on the ground. To make the real difference that we want to make, we need time to engage with people. Some people would say that three years is far too short a time, but we felt that anything longer would not show the urgency that we attach to the issue.

Following the Caleb Ness report, which related to events that happened before the beginning of the child protection reform programme, ministers sought to accelerate certain aspects of the programme, one of which was inspection. The original intention was to develop multidisciplinary inspection of child protection at the end of the three-year period, but ministers felt that we need to get information sooner about what is happening and whether improvements are being made. We hope to present outline proposals on inspection at the summit next week and to start to develop the proposals further on the back of that.

At that time, ministers also wrote to chief executives, chief constables and the health boards to ask whether they could guarantee that they had appropriate quality assurance mechanisms in place. We asked for a report on that by May this year. Those are two actions that ministers took to try to give priority to quality assurance and inspection.

The Convener: I think that the minister's letter states that the charter and the framework for standards will be produced at the summit meeting

on 22 March. Will those documents come to Parliament for debate?

Sarah Smith: We are planning a parliamentary question on the day of the summit and we intend to put all the documents before Parliament. Consideration is being given to how Parliament might want to engage on the documents.

Catherine Rainey (Scottish Executive Education Department): We have not yet explored that issue fully, but ministers are keen for Parliament to be involved. Patricia Ferguson is interested in how we might play the matter. The charter and framework will not be one-hit wonders; we will spend the next two years embedding them and providing people with the opportunity to talk through the issues. We also want to involve the Scottish Youth Parliament in the debate, as it obviously has a particular interest in the matter. We want to take the opportunity to make people aware of the charter and of the processes that we are going through to embed and implement it.

10:00

The Convener: I want to ask about major risks. In a sense, risk assessment is a central aspect of the debate. One should try to minimise risk. What do officials consider to be the key triggers and risks of which we need to be conscious as we examine this area? Should we consider matters such as domestic abuse and parents with drug problems? What major risk areas are emerging? Is there a register of risk for child abuse?

Sarah Smith: Ministers deliberately gave the child protection reform programme a broad scope. The programme does not just focus on the child protection register. The number of children on the register is quite small. The programme also seeks to prevent children from being in need of protection. It concentrates on early intervention and follow-up support. The reform programme has quite a broad scope. It is clear that certain groups are at particular risk. Stella Perrott might want to speak about the children of people who abuse drugs and alcohol.

A key challenge is the fact that the reform programme involves a wide range of professionals and agencies and requires cross-cutting engagement. There is a need to work across the agencies, at managerial and front-line levels. We should be open and acknowledge that that is difficult. The key challenge is to operate in a way that does not duplicate or add to activity, but enables the front line to deliver a more effective service and gives it the power to do what it is good at.

The Convener: Resources are limited and there is a shortage of staff in some areas. If one cannot focus on the major problems and the action that

needs to be taken, there is a risk that one will have a broad service that is not delivered satisfactorily at any point and does not affect the problem one is dealing with.

Stella Perrott (Scottish Executive Education Department): The three key areas of risk are drug-misusing parents, domestic violence and neglect, which is strongly associated with drug misuse. The charter and the standards will address aspects of the problems that I have mentioned, such as the expectations of children and their families about the help that they will receive and the action that agencies will take to support them. The police, education officials, social workers and health personnel will have to be involved, in a co-ordinated way, in addressing problems relating to children across a range of sectors. The risk factors I mentioned are to the fore as we develop the charter and the standards.

Rhona Brankin (Midlothian) (Lab): I want to speak about drug misuse. Research into children from families in which drugs are used was the subject of some publicity recently. I do not remember the name of the survey in question. Does Stella Perrott believe that the number of such children has increased significantly, perhaps over the past 10 years? What is the trend? What might be expected in the future in that area?

Stella Perrott: Recently work has been undertaken to estimate the number of children who are likely to be living with drug-misusing parents. My colleagues will give the committee the relevant figures in a moment. The figures referred to by Rhona Brankin were not collated until quite recently. Ten years ago, people thought about drug-misusing adults but did not consider the effects of such misuse on children. It might have seemed that there were not that many drug-misusing parents 10 years ago, but we are now talking about the second and third generations of drug-misusing people. The problem has been compounded.

It would be fairly safe to say that the level of drug misuse among parents has grown, although we would be cautious about saying by how much it has grown, as we do not know. Nevertheless, agencies are telling us that it is a major problem that they must deal with day in, day out. Our colleagues in social work tell us that a significant number of the children about whom they are most concerned have parents who misuse drugs. We also know from our health colleagues that the number of babies who are born with problems of addiction has increased substantially over the past 10 years. I am sorry, but I do not have the figures for that.

Catherine Rainey: The estimate for the prevalence of problem drug users in Scotland is in the region of 55,800. I am just looking through the

figures to find the estimate for the number of parents among those. Between 10,300 and 19,500 children in Scotland are living with a problem drug user. That represents about 1 to 2 per cent of all children under 16 in Scotland.

The Convener: That is quite a lot, is it not?

Fiona Hyslop (Lothians) (SNP): As part of the drug misuse in deprived communities inquiry in the previous session, we received evidence of the impact of drug misuse on the children of drug abusers and the role that grandparents can play. In the context of child protection, a family member can often be a source of support to ensure that abuse does not happen. Are you considering grandparents' role in providing continuing preventive support as well as the financial implications that they face in supporting children? Is that part of your remit?

Sarah Smith: I will ask Stella Perrott to comment on the detail of that. In some areas of Scotland, the children's grandparents are also on methadone. There are families in which both the parents and the grandparents are drug misusers, which compounds the problem.

Stella Perrott: Gill Ottley will give evidence to the committee next, and I know that the social work services inspectorate is doing some work on kinship care. She might be able to give you the detail on that.

The Convener: Do you want to address your question to the next panel of witnesses, Rosemary?

Ms Rosemary Byrne (South of Scotland) (SSP): No, I will ask it now. How do you link in with the parents whom you have identified as drug abusers? Their children could be at some risk. Is it not the case that, quite often, when the agencies try to link in with those families, they lose contact with them easily because the drug-abusing parent will pack up and move somewhere else with the children? What is being put in place to prevent that from happening or to keep track of those families? They can disappear for up to a year at a time from the schools and the communities that they were in, to re-emerge in a worse state further down the line. What kind of measures are being considered to prevent that?

Sarah Smith: I can talk more broadly about what we are doing to improve the sharing of information about children in Scotland. One of the key issues to come out of practically every review and report into child protection and child deaths is poor sharing of information about children and their families. Action to address that is one of the five priorities that the Cabinet delivery group on children and young people has identified.

We have developed a programme of work in that area to try to ensure better sharing of information, but with the appropriate safeguards, so that confidentiality is respected where appropriate. It is a huge issue. The framework for national standards talks about it in various ways. We are also piloting some information technology solutions to the problem of information sharing.

We do not think that IT will sort the problem on its own, but it is important that we try out those approaches to see whether we can build on them. In Glasgow and Lanarkshire and in the Grampian region we are using modernising government fund money to pilot IT approaches that will allow us to better share information between the relevant agencies.

Rhona Brankin: I seek information about what is happening about resources, including the additional resources that are coming through at national level to support what is happening in the reform programme.

Sarah Smith: We have been delivering additional resources for children's services over and above the general grant allocations for councils and health boards. We have done that in a variety of ways. We have provided additional resources to support effective preventive work for the very young—the nought to three-year-olds—through sure start Scotland. That age group is particularly important in the context of child protection. From next year, we will increase those resources to £50 million a year. Given that, for many years, they were at £19 million, quite a steep increase has been made over the past couple of years.

The changing children's services fund is another source of additional resource above the general grant allocations. The fund supports change and reform in children's services. We have added to the changing children's services fund guidance so that child protection is explicitly expressed as a key outcome and objective. The fund's resources are increasing to £65.5 million next year.

Rhona Brankin: I am sorry to interrupt. Could you expand on how the changing children's services fund works in practice?

Sarah Smith: The changing children's services fund is a grant that the Executive holds and which we administer from my division. It is resourced largely from the Education Department, but the Health Department also puts in a significant resource and we have resource from the Development Department, too. We tried to bring together resources from across the Executive in a cross-cutting way and put them into a single change fund.

Local authorities, health boards and key representatives from the voluntary sector put

forward a combined proposal for how they want to spend the resource at the local level. The money is supposed to help people to restructure and reform children's services. In other words, it provides an extra resource to enable people to think about and fund change and reform at the same time as they undertake their core and crisis activities. As the fund is an annual fund, we provide resource every year. Is that all right?

Rhona Brankin: Yes. I was just wondering about resources. We might return to the subject of the fund and how the Executive is evaluating its impact.

Sarah Smith: It has taken some time for people at the local level to get their proposals for the changing children's services fund up and running and to staff the work.

Rhona Brankin: It is quite early days.

Sarah Smith: Yes, it is. We have carried out a paper evaluation that was based on the reports that we have received from each local authority area. Therefore, we have an understanding of the issues that people have raised and the activities in which they are engaged. However, we need more information. I think that it will take a couple of years before we have hard, concrete information about the outcomes that the fund is delivering. As we agreed, it is still quite early days.

I have another couple of points on resources. Many of the reviews and reports that we have had on children's services in general and child protection have shown that there can be poor use of resource and that agencies can duplicate the activity and effort of other agencies. It is important that agencies seek to ensure that they make the best use of their current resources. One of the key issues that has arisen in my discussions with local agencies is the question of vacancies. It seems that agencies raise that issue with me instead of the issue of resources. They say that the resources are in place in core areas, but the people are not.

The Convener: Are we talking about social work staff?

Sarah Smith: Yes. We could talk a little about some of the things that the Executive is doing in that respect. Gill Ottley is the expert. As she is to give evidence later in the meeting, she can talk more authoritatively about what we are trying to do to provide social workers to fill those vacancies quickly.

The final point to make is that we are coming up to the spending review and, as part of those discussions, the Executive will consider the whole question of resources for children's services.

Rhona Brankin: I want to ask about the recommendation in "It's everyone's job to make

sure I'm alright" on how agency resources can be pooled. The Executive's submission says that revised guidance is being developed. Can you give us more information on that?

10:15

Sarah Smith: We are developing revised guidance for children's services plans, which are our key planning documents for children's services. We hope to produce something by the summer, in time for people to take the guidance into account for the following financial year, beginning in March 2005. In the guidance, we will try to provide useful information on how agencies can consider all the resources for children's services and try to bring those resources together. The advice will be broad and will cover more than just child protection, although child protection will be a key part of the planning.

Rhona Brankin: The Scottish Executive is structured in a certain way, and I understand that services are delivered differently in England and Wales. How does Scotland deliver services compared with England? What are the key differences?

Sarah Smith: If we compare the Scottish Executive with Whitehall, we see that, up to about a year ago, there were more significant differences in the structure of policy support for services than there are now. In England, they have changed how they structure their policy support for children's services and, within that, for child protection. The support at Whitehall is now much more similar to how it is here.

Around a year ago, although I cannot remember the exact date, child protection came under the Department of Health in Whitehall; some aspects of education obviously came under the Department for Education and Skills; aspects of children's services came under the Department of Health; and parenting came under the Home Office. So various aspects came under various Whitehall departments. They have now sought to bring everything together under the new Minister of State for Children, Young People and Families at the Department for Education and Skills. Although they still sit in same building as before, our counterparts in England who work on child protection are now part of the Department for Education and Skills.

In the Scottish Executive, responsibility for large chunks of child protection policy lies in the children and young people's group, and within my division in that group. That group is in the Scottish Executive Education Department, but its remit is wider than education. Within the next hour, you will hear from one of my key colleagues in the Scottish Executive Health Department. Colleagues

in that department work with us. We try to ensure that we make cross-Executive links as best we can.

In Scotland, we have different systems of delivery. We have the unique children's hearings system—

Rhona Brankin: I really just wanted to hear about some of the key differences at Government level. Your answer has been helpful. Thank you.

Mr Adam Ingram (South of Scotland) (SNP): Rhona Brankin has already asked most of the questions that I had wanted to ask, but a couple remain. I notice in the papers that committee members have received that particular areas in Scotland have particular problems. You mentioned staff vacancy rates. In Glasgow, the vacancy rate is 20 per cent; in other areas, all posts are filled. Will you target resources at areas where there is a long-running problem?

Sarah Smith: Of course, even though vacancies are a real problem, the number of social workers has increased significantly over the past few years, so the area is expanding. Targeted solutions are being proposed—Stella Perrott might want to run through those briefly but, as I said, Gill Ottley is the expert and she will give evidence to the committee later today.

Stella Perrott: Gill Ottley will be able to give the most help on that.

Sarah Smith: An example of what we are doing is that we provide resources to pay back part of the expenses of new social workers who enter certain areas—such grants represent a significant amount of money. We provide support for fast-track training, so that people who have specialised in different areas can enter the social work profession more quickly. We can go into more detail about the range of work in that area if the committee wants, or Gill Ottley can do so.

Mr Ingram: Perhaps I will pick up the matter with Gill Ottley and ask about the areas that have particular problems and the discrepancies across the country in that context.

I want to pick up on Rhona Brankin's questions in relation to comparisons with the English system. In England, legislation will introduce structural change to the system and establish children's trusts and children's directors in each local authority. Why are we not going down the same route?

Sarah Smith: The Cabinet delivery group on children and young people, which I mentioned earlier, has received briefings on the legislative proposals in England and is fully aware of the measures that are planned. To date, in Scotland, ministers have not been convinced that legislation presents the best way of changing and improving

practice on the ground. The Children (Scotland) Act 1995 places duties and obligations on local authorities.

The report "For Scotland's children: Better integrated children's services", which was published two or three years ago, avoided concluding that there was a structural model that would solve the problem. Instead, it concluded that it is important to find approaches that are appropriate for different local areas and to consider how best to join together the relevant agencies. Experts and people who are engaged on the ground have not felt strongly that structural solutions are necessarily the answer. If a strong case were made for structural change, however, I am sure that ministers would consider it carefully, but there is a feeling that, although one can legislate for clear structural changes—which is the intention of the Children Bill—the key challenge remains the front-line delivery of services and the management of that delivery. The key question has to be, "Are we convinced that legislation is the best way of making changes?"

Mr Ingram: On the face of it, it sounds logical and rational to put someone in charge of the whole exercise, rather than to leave individual local areas to determine their own strategies. Do you altogether rule out such a measure or will you consider the English experience in the course of your reform programme, as your solutions for Scotland evolve?

Sarah Smith: I will ask Catherine Rainey to talk about our thinking on child protection committees, which are a key vehicle for interagency discussion. Accountability and responsibility are key—that is another theme that comes out of all the different child protection reports that we read. I suppose that the challenge is that children's services are so broad that general practitioners in clinics, health visitors, consultant paediatricians and consultants in accident and emergency departments all have key roles to play in safeguarding children. However, bringing that very broad range of people together into a single line of responsibility and accountability is a challenge. Having a children's services director and a lead councillor for children's services should rationalise some of that.

Catherine Rainey: As we have said, one of the key strands that we have been considering is child protection committees, which tend to be the local interagency body with responsibility for child protection in local areas. As the boundaries of those areas are based largely on local authority boundaries, there are disjuncts with, for example, health boards and police forces. However, those elements have come together in a body to work through the problem.

At the beginning of the process, a number of people suggested that we follow the English green

paper's proposal to create a statutory local safeguarding board. As a result, many of the initial discussions that we held last autumn centred on whether legislation would answer some of the questions that Mr Ingram has just posed. However, from discussions with key stakeholders such as the members of the child protection committees, the chief executives of local authorities and representatives of health boards and police forces, the message that we have received is that the answer has less to do with legislation and more to do with having clear structures and responsibilities that would allow the committees to consider what was required in their area and give them the mandate and delegated authority to take on appropriate tasks.

However, the work of the committees should be closely linked with community and children's services planning to ensure that the committees are not marginalised and simply sit off to the side. After all, we should be looking at the various stages of a child's life and recognising that the child will not always be in a crisis situation. We would hope to get work done before a situation reached that stage.

At next week's summit, ministers will set out the current thinking that we should nail down the levels of responsibility and accountability and emphasise that the people at the head of the agencies should see that their remit is child protection and that the child protection committee is the body that helps them to fulfil that remit. There will be a very clear relationship between services. As I said, the committees will not have to sit on one side and feel disempowered because they do not have the decision-making powers that allow them to go back to their agencies and make a difference.

It was interesting to find that, although people initially thought that introducing legislation might be the solution, they came to the conclusion that it would be better to get the responsibilities and roles correct to ensure that we did not shoehorn everyone into a one-size-fits-all approach.

The Convener: I think that we will move on to Elaine Murray's questions, because they follow quite naturally from those comments.

Dr Elaine Murray (Dumfries) (Lab): From the questions and answers this morning and the high-profile inquiries into various tragedies, it is quite clear that one of the major problems is that people have not been working together properly. You have made many references to the way in which the Scottish Executive is trying to address that matter.

I am also aware that we are having this evidence-taking session a week early and I realise that it is inappropriate for you to reveal ministers'

thinking in advance of any announcements that might be made at the summit on 22 March. However, I am interested in the fact that ministers have accelerated the completion of the outline proposals. Can you tell the committee anything about the shape of the proposals for multidisciplinary inspections? Moreover, in the memorandum that you have provided for the committee, you express a desire to pilot some of those inspections. Would those pilots be introduced in particular local authority areas? How do you envisage finding practical examples of how those pilots might work?

Sarah Smith: I thank you for understanding that this meeting is taking place before the summit.

We are examining the two key areas of quality assurance and inspection together and are considering the most appropriate measures for child protection inspection within the broader thinking of what would be most appropriate for the inspection of children's services. Quality assurance and inspection of children's services as a whole form another of the Cabinet delivery group's five priorities. Ministers have a clear feeling that, although our various inspections, audits and data give us different pieces of the jigsaw, we do not have in a single place a coherent picture of children's services as a whole, which would allow us to measure progress over time and to compare it in different parts of the country.

The thinking around multidisciplinary aspects of child protection comes within the broader context of what we should be doing on children's services as a whole. Next week ministers will outline how we are trying to make that fit together and how best we can develop the pilot approach in child protection. One thing that we have been thinking about, on which we have not yet reached conclusions, is whether if we took the pilot approach we would be asking for volunteer areas in which to try out proposals.

More work will be needed to flesh out the framework for child protection standards and to identify clear descriptors of good practice and less good practice for different agencies in each area. We and our partners will have to do a lot more work in building on the framework. The pilot inspections will help with that, because they will help us to flesh out measurements and indicators as part of the process.

10:30

Dr Murray: Are there particular areas of good practice at the moment? Are you aware of local developments that could apply nationally?

Sarah Smith: We are already receiving responses to the letter on quality assurance that

the three ministers sent, which will help by providing a picture of where people have in place robust quality assurance mechanisms that we could learn from and share more broadly.

Ms Wendy Alexander (Paisley North) (Lab): I will follow up that point in detail. I have no interest in knowing the details of the multidisciplinary inspections today, because it is appropriate that those will be announced next week. However, I want to press you on the likely timescales. In November or December 2002, the Executive committed to the principle of multidisciplinary inspections. The Executive note says that the outline proposals will be completed by spring 2004—no doubt that will be next week—and that the pilots will be implemented from the end of 2004. I presume that by the end of the action period in 2006 we will just have the pilots, because it will take 18 months to run them and, in the absence of a statutory framework, the only basis on which to move forward is that of further consultation and agreement. On the basis of the timescales to which you are working, in what year do you believe it will be possible to fulfil the commitment made in 2002 to make available throughout Scotland a multidisciplinary framework? Will that be possible in 2007, 2008 or 2009?

Sarah Smith: The work that we will need to do in developing pilot inspections will help us to answer that question. The timescales that the ministers will announce next week are those that they have set out in the memorandum. There is a range of ways in which we can gain a picture of multidisciplinary approaches to child protection. One is to have a one-off audit and review similar to the one that formed the basis of the report "It's everyone's job to make sure I'm alright". That would be a one-off snapshot; it would not provide a baseline or a way of measuring progress over time and it is unlikely to be able to provide a sufficient basis for comparing areas. Our proposals are all encompassing and much more long term.

Ms Alexander: It seems to me that a number of choices are involved. In 2002, the Executive said that it would create an all-Scotland multidisciplinary framework for inspection in child protection. I am happy for you to contradict me but, given the timescale that you are outlining, it seems impossible for the framework to be in place before 2007 at the earliest. That is because we have chosen to take the pilot and non-legislative route.

I note that in England the Children Bill provides for a single, integrated framework of inspection run by the Office for Standards in Education—perhaps you can confirm that. I wonder when that framework will be up and running. I am trying to

draw a contrast; we said in 2002 that we would do the same in Scotland, but we do not know when the framework will be available.

The Convener: I wonder whether that is a question for the minister to answer in due course, rather than a question for the officials.

Ms Alexander: It is a factual question. When will the Ofsted multidisciplinary framework be up and running? People who operate in the area probably know the answer to the question. We could ask the Scottish Parliament information centre, but it seems to me that we have made a number of choices—

The Convener: Yes.

Sarah Smith: We are aware of the work that Ofsted is doing on developing its proposals for the inspection of children's services and we have been talking to it about that. I do not know when it expects the provisions to be fully rolled out and working, but we will certainly write to you if we can find out the answer. There might not be a date by which it can say that the provisions will be up and running. I know that Ofsted is developing separate proposals for a further multidisciplinary approach to inspection of child protection—it is working on that at the same time.

The Convener: It would be helpful if you could come back to us on that.

Lord James Douglas-Hamilton (Lothians) (Con): We have heard evidence about the importance of early intervention in child protection services. Will you kindly outline in some detail the ways in which the Executive seeks to promote early intervention and to support agencies in ensuring that it is a priority?

Sarah Smith: I talked about sure start Scotland, which is one aspect that happens to fall within my division. In that project, we work with vulnerable families with nought to three-year-olds in deprived areas and we provide a range of support through local authorities, such as support with parenting, centre-based support and outreach support. In rural areas, there is sometimes no centre, but support workers go out to families.

A mixture of interventions is provided under sure start Scotland, but they all try to help vulnerable and deprived parents of the very young to be the best parents that they can be and to support their children's social and emotional development, their health and their ability to learn. That means that, when the children go to pre-school, they should have as good a start to the school process as other children.

That is a major intervention, but we also seek to provide support, through the significant investment in pre-school education, to enable the very young to get the best possible start to their educational

career and approach to learning. In developing our framework for standards, we looked closely at early intervention throughout the child's life, to try to prevent a crisis arising. I ask Stella Perrott whether she wants to pick out anything on that.

Stella Perrott: I will not go into detail on standards, but we have certainly focused on getting children the help that they need when they need it. That is a major area that we considered in developing the standards and we want those standards to be implemented.

Lord James Douglas-Hamilton: On the sensitive subject of Soham, are you satisfied that information about people who have been convicted of serial child abuse or violence against children can be legitimately picked up and passed on to interviewing authorities when they carry out selections for schools and others who work with young people?

Sarah Smith: We have worked closely with colleagues in the wake of the Soham report. Our minister, Peter Peacock, asked for a review to answer precisely that question, and officials in both our department and the Justice Department are working on that matter at the moment.

Lord James Douglas-Hamilton: Is it possible that legislation might be required in that regard?

Sarah Smith: I do not think that I am in a position to answer that at the moment. I do not want to prejudge the current review.

Lord James Douglas-Hamilton: It seems that you are not in a position at this stage to assure the committee that information about the serial abuse of children will automatically be passed on.

Sarah Smith: We have a range of processes and procedures for trying to ensure that people who are working with children are safe and that information is provided about people who should not be working with children. Ministers have nevertheless requested a review in order to be quite sure that we consider everything that we have found out from the Soham case and to ensure that we have plugged all the loopholes that we can.

Lord James Douglas-Hamilton: Are there any indications as to how long the review might take? Do you know when the minister might be able to come back to Parliament on the matter?

Sarah Smith: I am not aware that the minister has put a timescale on the review, although I know that people are working on it at the moment.

Catherine Rainey: The timescale partly depends on the outcome of the Sheldon inquiry, which is also going on at the moment. Its findings will need to be taken into account.

Lord James Douglas-Hamilton: The timescale

is important in the context of our inquiry. Would you feel able to write in with some indication of the timescale of the review once you have cleared it with the minister?

Sarah Smith: Yes.

Lord James Douglas-Hamilton: I am sorry—Catherine Rainey was about to continue.

Catherine Rainey: You mentioned information getting through to employers where necessary. Bob Ovens from the Association of Chief Police Officers in Scotland, together with his team, will no doubt talk about the police dimension. If people ask for disclosure, somebody's conviction of a criminal offence will show up in it. Employers would be aware of that.

The Protection of Children (Scotland) Act 2003, which will be implemented this year, will mean that not only criminal convictions come into play. People who are on the list of adults who have been disqualified from working with children, although they might not have a criminal offence, might be referred to the list that ministers will hold because of concerns that they have harmed children or put them in danger and because an employer has taken action as a result—in other words, the employer has sacked the person or moved them from their post. There will be a combination of the criminal conviction and information about people on the list. I am sure that Mr Ovens will pick up on the soft information that the police can also provide.

Lord James Douglas-Hamilton: Would that cover an individual who had been up for a rape charge four times and who had been acquitted each time, but whose conduct had been less than exemplary? Would that sort of information be passed on?

Catherine Rainey: That could be part of the softer information that the police would hold. I would think that the committee would want to cover that matter with ACPOS.

The Convener: I accept that a review is being carried out, but I note that the letter that the minister sent to local authorities and other bodies in November does not cover the particular issues of the Soham case. Aside from the review, the matter might have been followed through in a different way, but has the idea of a sort of checklist been pushed to the various agencies involved so as to ensure that all the relevant information is being conveyed across the board? Are you satisfied that that is not being hindered by data protection legislation or other issues? I believe that the issue of data protection was raised in England.

Sarah Smith: Part of the purpose of the review is to find out what needs to be done and what extra guidance or support agencies need. I am

sure that Bob Ovens will be able to talk about the police's reaction. People in local agencies will not be sitting on their hands waiting for the outcome of the review.

Fiona Hyslop: How will you know whether the child protection forum is successful?

Sarah Smith: The combination of quality assurance and the child protection inspection is the key way of knowing that. The child protection inspection will be independent—in particular, it will be independent of the reform team. It will show us where we are. We have a baseline under the "It's everyone's job to make sure I'm alright" report. However, that does not provide enough information to compare across geographical areas, given the number of children in the various samples. As I said, the inspection regime and the quality assurance supporting it will provide the best way for us to know whether we are improving services for children in need of protection.

Fiona Hyslop: When will you know that?

Sarah Smith: That comes back to the previous question about how quickly we will move on from the pilots to having a fully fledged child protection inspection regime. A number of implementation options are being considered but, as was mentioned, ministers are still developing their thinking around the different models.

10:45

Fiona Hyslop: You will appreciate the concern that, although that is all well intentioned, it is a bit vague. We will not know the answers until you have addressed quality assurance and had your inspections, which may be some time off. Following Adam Ingram's questions, you explained why you are not pursuing a legislative programme similar to the one that is being pursued down south. It will be up to this committee to make a judgment on whether that is appropriate, but you have explained your thinking as to why that is the case.

In the meantime, what action is open to the Scottish Executive if you feel that sufficient progress is not being made? A good example is that health boards are meant to appoint a children's health commissioner—that is one of the recommendations in "It's everyone's job to make sure I'm alright". Pending the quality assurance measures and the inspections, what action can you take to ensure that progress is being made now?

Sarah Smith: It is not the case that we will not get any information until the child protection inspection regime is up and running. We will get the responses to the quality assurance letter by May. We have already received some of them. If

we pilot child protection inspections from the end of the year, we will start to receive information during the following year.

We are also seeking to get information from the regular inspections that take place at the moment. For example, Her Majesty's Inspectorate of Education is considering ways of pulling together what it receives from its regular inspections so that we have a picture, although that will not be the coherent picture that we want to get through the new child protection inspection regime.

On what we can do if we are not satisfied, not only do ministers have formal powers of intervention under the Social Work (Scotland) Act 1968, but a range of other activities can take place. The team of six professionals on Catherine Rainey's team will be working with a range of local agencies over the next two years to determine how the standards are applied in practice, how they need to be fine tuned and what more we need. That is another way in which we will engage at official and professional level with people who are trying to reform their services. However, formal powers of intervention are always open to ministers.

The Convener: I have a brief point that follows on from that. Resources for social work, including the lack of social workers, have been a concern. Clearly, that problem will not be solved overnight—there must be an on-going programme. Are you looking to deal with the lack of social workers by making the best use of professional resources, finding alternative ways of doing the job and determining what social workers should be concentrating on? In other words, out of the monitoring that you are doing and the information that is coming forward, is the issue being tackled in an effective way, not just in the longer term, but now? Social work resources are one of the key issues, particularly as we read in one of the reports that domestic abuse cases are routinely being referred to the reporter, which is increasing the load.

Sarah Smith: Very much so. Gill Ottley might be able to give more detail, but I will cite one example that picks up on Adam Ingram's point about geographical areas. The social work services inspectorate has worked closely with Glasgow City Council to examine how it structures its social work resource and how to get more people into core, front-line social work activity through using the managerial and supervisory staff in slightly different ways. That is one on-going example.

Ms Rosemary Byrne: I have a question about the voluntary sector, which has been highlighted as being important. What role does the voluntary sector have in the reform programme? What further action does the Executive intend to take to ensure that the voluntary sector is fully involved and supported in the child protection agenda?

Sarah Smith: I will ask Catherine Rainey to talk in a moment about the importance of our engagement with the community as a whole, and the voluntary sector within that. We see the voluntary sector as being a key partner in the reform programme. A representative from the voluntary sector—Romy Langeland, who is the Aberlour Child Care Trust's chief executive—is a member of our child protection steering group, which involves a range of people from external agencies; she provides a voluntary sector perspective.

The voluntary sector's role of carrying out statutory functions for local agencies and its wider public information role on protecting children, alternatives to physical chastisement and positive parenting mean that we see the sector as a key player in a raft of areas. Catherine Rainey will talk a little about community awareness.

Catherine Rainey: That ties in with a comment that was made about early intervention. One strand of work that we aim to roll forward in years 2 and 3 will involve public awareness and involvement in child protection. I hope that that will be less about battered faces and more about the fact that children should enjoy a happy, healthy and safe environment. That approach will involve telling people where they need to go to relate problems that they think are occurring and how to become engaged and play a part. The voluntary sector is very much involved in helplines, such as ChildLine and ParentLine Scotland. The sector is a key partner in developments.

Similarly, voluntary sector representation on child protection committees is important to those committees' work in considering local areas. We want that to be strengthened. At the moment, people in the sector do not feel that they can speak on behalf of a whole area—it is difficult for the one organisation that has a seat at the table to do that. The voluntary sector has made innovative suggestions about a voluntary sector forum that might engage twice a year with a child protection committee on that subject.

Projects have also been funded from unified voluntary sector funding, which we pulled together this year. Those projects are on child protection and provide some of the measures that Sarah Smith mentioned, such as extra resources for people who need mentoring, and support for young runaways and for centres. The voluntary sector is critical to the work that we are doing in the programme.

Ms Byrne: Would you consider expanding voluntary sector projects? For example, the Brenda House project provides support for families—mothers and children—in which mothers have drug abuse problems, which is the subject of great concern. Often, the fact that treatment

cannot be obtained continues the problem and often, mothers will not go for treatment because they do not want their children to be placed in care. Expansion of that project and of similar innovative projects that can be grasped and run with would be a great help. Is such expansion being considered? Is recommending further funding and expanding of such projects a possibility?

Sarah Smith: When we brought together funding from a range of places in the Executive into a single unified fund for the voluntary sector's children and families work—this is the first year of that fund—we also put additional resource into the fund. Additional resource is available this year and next year. Demand for the resources that we can make available for such activities always massively outweighs supply. I know that voluntary organisations also approach local authorities and health boards about work that is specific to their areas. We have been able to provide some additional resource.

Rhona Brankin: We know that the key players are social workers, the police, the health service, education and the voluntary sector. You have talked about quality assurance. I am slightly unclear about inspection: I know that an announcement will be made, but how does the Executive ensure quality in all those different players in an integrated way?

Sarah Smith: That is an important question. At the moment, each of the players that you mentioned has, or is developing, mechanisms for quality assurance and inspection. There is the mechanism for inspection of schools, we have the SWSI's thematic reviews, and the SWSI does an annual report on the state of social work services in Scotland. NHS Quality Improvement Scotland is developing its approach to children's services and quality assurance in health, but that is at quite an early stage. The police have their own inspectorate and their own way of inspecting the range of services, including what they provide for children. Prisons have the same.

That range shows what I meant when I talked about child protection's being within broader children's services inspection. We are trying to find out how we can draw from that range of activity while ensuring that we take a multidisciplinary view of how different children are supported. An integral element of that must be our taking a case-study approach, as in "It's everyone's job to make sure I'm alright", which used individual case studies of children to find out how different services supported them and how services in the round best met their needs. That method is one of the strongest ways of getting a view of how agencies are working together effectively.

The Convener: Thank you. There are a couple of issues that you will get back to us on in relation to Wendy Alexander's question and on the Soham review timescale. We will be grateful for that.

Ms Alexander: I also have a question on the timescale of an issue that has not arisen so far, which is information-sharing and information technology procedures. Recommendation 15 of the Executive's report "It's everyone's job to make sure I'm alright" suggests that there should be

"linked computer-based information systems"

including

"a single integrated assessment ... common to all partner agencies, multi-agency case conferences and the children's hearing."

The suggestion is that Professor Baldwin will report on a framework by the end of 2004, but that would not resolve issues about compatibility of technology and development of protocols. Has Professor Baldwin provided a date for when—following the consultation in December—recommendation 15 might be realised?

Sarah Smith: Professor Baldwin is leading a working group that met yesterday and discussed the development of an overall framework for assessment. We want by the end of the year to have something on which we can consult. The work is very complicated and difficult, given the wide range of agencies, but we want to issue something by the end of the year. We are pleased to have Professor Baldwin's support because she is one of the experts in the area.

Linked to that is the question of IT and effective information sharing, which is a much bigger issue. We are trying to tackle it in a range of ways. We are trying to tackle it particularly through the e-care projects. The second modernising government fund funded the first four of those projects and we hope that agencies will make proposals on children's services that will allow us to roll the projects out much more widely across the country for the modernising government fund 3. I think that the modernising government fund 2 comes to an end next spring, so that will be a longer timescale than that for Norma Baldwin's working group on the assessment framework. Both of those are key elements of a much bigger package, which will take longer to realise.

The Convener: We must draw this part of the meeting to a close as we have other witnesses to see. I thank the witnesses, who have been helpful. We look forward to getting, in due course, the other information that we have requested.

We will pause for a minute while members of the second panel take their places.

11:00

As the meeting has not been suspended, I ask colleagues to return to their seats as quickly as they can.

Fiona Hyslop: We heard from the previous witnesses that there is a key summit on 22 March. Was the committee informed about the date of the summit? Have we received an invitation to it? If we had known previously that the summit was taking place, we might have wanted to revise our timescale for hearing from the Executive officials; they were obviously restricted in what they could tell us. We could have been better informed if we had heard from them next week rather than this week.

The Convener: I take your point. We were informed of the summit because it is mentioned in the minister's letter, but I do not think that we took particular account of it in planning the timescale. Such issues will always emerge. It is a question of having witnesses at the right point. The reality is that we are where we are and will be able to pick up many issues from other witnesses and from the minister in due course. Our progress will not be hindered particularly. We have today received quite a lot of information about where we are going. The summit is not an overriding issue—there is a three-year programme and it is one of a number of things that will happen.

I welcome the second panel of witnesses, which consists of Gill Ottley, who is the deputy chief social work inspector at the Scottish Executive Education Department social work services inspectorate; Chris McIlroy, who is the acting HM chief inspector of education; and Dr Linda De Caestecker—I hope that I have pronounced her name properly—who is head of the Scottish Executive Health Department's women and children unit. Obviously, this will be a very important session. Gill Ottley may want to kick off.

Gill Ottley (Scottish Executive Education Department): Would you like me to address a particular subject? The last time I was here, I think I started by telling the committee something about the inspectorate. Do you want me to repeat that?

The Convener: Possibly not. Many issues are emerging about the integration of inspections, for example. You may wish to discuss such themes. You might—dare I say it?—want to discuss risks that I discussed earlier. I would be grateful for your guidance on a number of such issues. We can go to questions after that, if you want.

Gill Ottley: A number of the issues that emerged in the previous evidence session are certainly dear to my heart. I was particularly taken with the discussion that you just had about children of drug-misusing parents, which is one of the biggest priority areas that we need to tackle.

Some 1,000 babies were born to drug-misusing mothers in 2001, which is one in every 56 to 57 births in Scotland. Between 40,000 and 60,000 children in Scotland have a drug-misusing parent and between 10,000 and 20,000 children in Scotland currently live with a drug-misusing parent. That is a significant problem for us.

The number of children born to drug-misusing parents doubled in the four years to 2000-01. Even allowing for better reporting, that is a significant growth rate that will present us with a significant challenge if it continues. The O'Brien inquiry highlighted the difficulties of practitioners in assessing such problems and in arranging appropriate packages of care. Caleb Ness was born with neonatal abstinence syndrome. Such children require an especially sensitive and careful environment. The inquiry's report made salutary reading for us professionals.

In the Executive, we are considering our response to "Hidden Harm: Responding to the needs of children of problem drug users", a report by the Advisory Council on the Misuse of Drugs, which makes a number of recommendations on improving services for the children of drug-misusing parents. In Scotland, a report called "Getting our Priorities Right" was published in 2001. It focused on advice to, and guidance for, agencies in Scotland on how to develop services. We have to capitalise on the recommendations in that report.

Significant issues arise, particularly to do with the need for preventive measures to help babies that are born to drug-misusing parents. It seems to me that babies can be even more vulnerable than older children who are living with such parents. The inspectorate has recently been in discussion with a host of Executive departments that have an interest in the issue; in particular, with the substance misuse division of the Scottish Executive Health Department. We have been discussing what I think has to be a new agenda for children who are born to drug-misusing parents.

In the past, and with some reason, we have probably focused a lot of attention on services to help drug-misusing parents to stabilise and/or to recover from their problems, in the hope that they will become better parents. However, we now need to train our drug workers so that they are also specialist child-care workers. We have to pay much more attention to children in such families. An increasing number of drug misusers in Scotland are on methadone and I am concerned about their children. Are they thriving, or are they surviving? We know that many of them are now taking on caring responsibilities for their parents. We need a joined-up agenda that involves a number of Executive departments. I was very taken with the committee's discussion on that.

When it comes to emerging risks, I would make such children the highest priority.

The Convener: Thank you. Does anyone else want to add anything from a different perspective?

Chris McIlroy (Her Majesty's Inspectorate of Education): My theme is slightly different, but I would like to tell the committee a little about HMIE's current inspection work in this area. As we look forward to the emergence of multi-agency inspections, it is important that we take account of the present activities of the different inspectorates and that we build on, integrate and extend those activities. We are not starting from a blank sheet.

When we inspect schools, we have a number of ways of considering child protection. All members of the inspection team carry a card that describes our code of practice. That is to ensure that our own behaviour in our interactions with children and staff is exemplary, to alert us to situations that we should avoid, and to give us advice on what we should do if a child talks to us about abuse or if we suspect abuse. Our code of practice for such situations encourages us to listen to and reassure children and to refer but not to be investigators. Investigation is not our area of expertise or our role.

Secondly, we use a child protection pro forma in all inspections and the person who is managing the inspection conducts a structured interview about child protection arrangements. That interview is signed by the head teacher and the managing inspector. It covers policy and guidance; co-ordination; staff training; recent allegations; recording of incidents; referral of concerns, when incidents arise to the education authority, to the board of governors, to social workers or to the police; and pupils' access to a formal complaints procedure.

A third strand is that we use a questionnaire for pupils to complete at certain stages from primary 4 upwards and into secondary school. We ask a series of 20 questions about their life at school; not all the questions relate directly to the territory that we are discussing, but a number of them give children the opportunity to pass on their views without leading them into that territory. For example, pupils will be asked whether they agree with statements such as:

"If I am upset, the school is good at helping sort things out ... I feel safe and well looked after in the school ... The school helps me to keep myself safe and healthy".

There is also a specific question about experience of bullying and there is an open box to give children the opportunity to comment. I have copies of the three papers. I shall leave them with the clerk so that members can see them.

In addition to that, during inspections we have discussions with one or more pupil groups. That

gives us more opportunities to ask questions about children's experiences at school and about their personal safety and it allows them to talk to us. We look at programmes inside school for personal and social development and we focus on how the school prepares children in respect of personal safety, which is among the important contributions that a school can make. School is one of the key universal services. Although children's lives take place in many places, teachers develop a good awareness of significant bits of children's lives through hearing about family backgrounds and meeting parents.

Part of what we expect schools to do in preparing children is to make children aware of what is appropriate and inappropriate in terms of their own rights, to build their self-esteem and to create a climate in which they feel confident that they can share worries or concerns that they might have. We also look at schools' links with other agencies, but not in great depth. We tend to ask questions about that, but we do not at the moment have time during routine inspections to visit the other agencies to get their side of the story. That would be another bit of information that would help us with the picture.

All our reports contain comments on the arrangements for child protection. I shall quote two anonymously, just to give you a feel for the kind of comment that we make. The first states:

"There were appropriate arrangements for dealing with pupils' health and well being, including child protection measures. Pupils had a range of suitable opportunities to discuss personal and social issues. Staff encouraged pupils to raise issues of concern and handled pupils' social and emotional needs very sensitively. The school successfully promoted a greater awareness of health issues."

The Convener: I am sorry to cut you short, but we obviously want to ask questions. Is there much else that you want to say?

11:15

Chris McIlroy: I will read a contrasting extract from a report, which says:

"However, the school's child protection policy did not offer staff sufficiently detailed advice. No member of staff had received recent training on the implementation of child protection procedures."

The inspections do not evaluate in depth how well cases were handled, which is what "It's everyone's job to make sure I'm alright" does. We go into a bit more depth in relation to integrated agency working in our inspections of integrated community schools and, when we inspect education authorities, we examine their support, advice and quality insurance structures in relation to child protection.

I am sorry if I went on for too long.

The Convener: That is all right—your comments are helpful. Would Dr De Caestecker like to add something from the Health Department's point of view?

Dr Linda De Caestecker (Scottish Executive Health Department): As you heard earlier, the national health service is an integral part of the child protection reform programme. In addition to that, when conducting the recent inquiries into child deaths and the audit and review that led to "It's everyone's job to make sure I'm alright", we grouped the main priority issues for the health service into three themes: accountability, information sharing and training. Those seem to be the main issues that we need urgently to address. We have discussed that with chief executives and chairs of NHS boards and trusts.

In December 2003, Trevor Jones, who is the chief executive of the NHS, issued a plan for immediate action. It discussed the long-term actions relating to the reform programme and asked what immediate issues we had to consider in terms of findings from recent inquiries. The plan revolved around accountability, ensuring that there was a lead executive director for child protection, examining the role of child health commissioners—whom we have already discussed—and lead child protection specialists on the clinical side. The plan also suggested that there should be additional clear and unequivocal guidance about information sharing in cases in which a child might be at risk, and it suggested that there should be training not only for specialists who work with children but for clinicians who have a role in child protection because, although they work mainly with adults, they are aware of the dependent children involved.

The implementation of the action plan by health boards will be monitored and reviewed through the performance assessment framework and the accountability review process. Those who are responsible for the framework for child protection standards that is part of the child protection reform programme will work closely with NHS Quality Improvement Scotland—which is the central quality assurance organisation that develops standards for the NHS—in order to put the plan into practice.

The Convener: Members of the committee were visibly shocked by the figures and the background that Gill Ottley outlined about drug abuse in parents. We all had some knowledge of the issue, but the stark figures are extremely worrying. I will push the risk buttons further and ask whether there are any other risk areas that we should be conscious of. Such areas are the starting points; the coordination and so on comes later. On what should we focus? What other risk areas should we be interested in and knowledgeable about?

Gill Ottley: One of the emerging factors in our inquiries is that social work departments are struggling to cope with what they call chaotic lifestyles and chaotic households. Often, drug misuse is a feature of those households, but they can also involve single parents who might have a number of children by different partners who come and go. Social work departments find it hard to sustain intensive support over long periods in such cases. Particular features of such situations mean that it is quite hard to deal with the impact of the range of agencies that are involved. The children might be being referred to health professionals or attending school but, as Linda De Caestecker indicated, information sharing among agencies is not good. Risk factors might be flagged up to one or more agencies, but it is not always the case that all the information is known to one professional at one time, which would allow a thorough assessment to be made of the risks to the children who live in that household. There is a clear need to improve information sharing, but such difficulties are a particular feature of chaotic households.

The Convener: It seems almost like the Soham situation but on a wider basis.

Gill Ottley: Yes.

Dr De Caestecker: Another circumstance in which health visitors will work more closely with families is if the mother has a mental illness, particularly if she has post-natal depression. We know that such families are more at risk. Health visitors will work more closely with families who have little other informal support or extended family.

Chris McIlroy: Schools in all types of areas experience issues of that kind, which are no respecters of income, class or any other such variable. However, such issues can often be concentrated in situations of family stress if there is already poverty or a culture of drugs, drink or domestic abuse in the home.

The Convener: The written submission that we received from ACPOS says that domestic abuse incidents are automatically referred to the Scottish Children's Reporter Administration, but I am aware that domestic abuse was not mentioned in the other submissions. Is it a major stress area?

Gill Ottley: Yes. Domestic violence is clearly another risk area and an area of concern that often accompanies multiple other issues. The combination of issues is usually what causes most difficulty and most stress. However, domestic difficulties are clearly a feature.

Lord James Douglas-Hamilton: My question is very simple. Are you satisfied that sufficient safeguards and guidance are in place for the checking of references before organisations, particularly schools, take on people in positions of

trust as janitors, teachers and so on? More generally, is there sufficient checking of all those who work with children?

Chris McIlroy: The position varies a bit with the different categories of staff who come into contact with children. All teaching staff are now checked with Disclosure Scotland through the General Teaching Council for Scotland. However, that is not retrospective, so it does not cover teachers who have been practising for a long time. Education authorities check non-teaching staff with Disclosure Scotland when they are appointed. Also, a number of volunteers, such as parents, come into contact with children and that contact should be supervised, but whether such volunteers go through disclosure checks is not consistent across the country. Some education authorities insist on the checks, but some do not.

Lord James Douglas-Hamilton: Should there be a pattern of guidance to ensure that appropriate checks are in place?

Chris McIlroy: Essentially, that is a political question. Speaking as an individual, I think it sensible that there should be the greatest possible reassurance that everybody who comes into contact with schoolchildren has been checked. Common sense suggests that the answer is yes.

Lord James Douglas-Hamilton: You may require ministerial approval to answer this request, but it would be helpful to the committee if you could describe in writing for us what form appropriate guidance might take if the committee were minded to recommend that there should be appropriate checks on references before key appointments were made that involved looking after children, if those appropriate checks are not already in place.

Chris McIlroy: Okay.

The Convener: Is that not also part of the ministerial review group's remit?

Lord James Douglas-Hamilton: The matter is relevant to the committee's report.

Rhona Brankin: I want to pick up on the convener's question about the scale and scope of the problem. From what we have heard, it seems that there is a need for more research to try to get a better handle on the matter. Do we have accurate information and figures from the various agencies that work in the field? Is research currently being undertaken into the matter?

Gill Ottley: There has been some research, but I have never yet read a piece of research that did not recommend that there should be more research. Clearly, we need more information in some areas. I would certainly like more information about children who live with drug-misusing parents. Neil McKeganey, of the

University of Glasgow's centre for drug misuse research, who was talking about the problem in the press last weekend, has developed expertise in that area.

Drug misuse co-ordinating committees or substance misuse committees collect quite a lot of information about activities in their areas. The Executive also collects quite a lot of information. However, much of the information that we have received in the past has focused on adults who are known users and on services for those adults and we need to focus much more on children's needs in that context.

Rhona Brankin: It might be useful for the committee to have some information about any current research and figures on the issue that are available.

The importance of training has been identified by everyone in the different agencies. To what extent is training on education and health important? Is the current programme adequate? Could you tell us about the joint training that is taking place and about plans for the future?

Gill Ottley: The minister announced that training on child protection will be a mandatory requirement in social workers' post-registration training and learning. A group has been given the task of establishing how much training will be given. There are issues involved in deciding what child protection training is. Clearly, specific information about matters such as human growth and development and communicating with children is very useful, but social workers also need to know about such matters as risk assessment, risk management and therapeutic work with children who have been abused.

Within the Executive, a group has been given the task of developing a training plan for social services staff and work on that is under way. An early analysis of some of the information that the group has received suggests that most local authorities in Scotland conduct some training, that most training is multidisciplinary and that there is a greater emphasis on risk assessment than on risk management. Clearly, there is a need to focus some of the resources that are currently being spent on training, so that the outcome is more effective.

We have had discussions with colleagues in health and education about increasing and clarifying the multidisciplinary component of training, but those discussions are at an early stage.

Dr De Caestecker: The Executive has asked each NHS board to develop a training plan on child protection issues and to consider the different levels of training, from basic awareness-raising training for every member of staff up to

more specialised training. Interagency training also takes place, which is usually organised through the child protection committees.

11:30

Chris Mclroy: Training is important because the issue is difficult and involves strong emotions and uncertainties for anybody who is involved. Given that teachers come into contact with children and know them well, they ought to have training on awareness of the signs that something is going wrong in a child's life. Teachers ought to be clear about the procedures that they should follow when that happens. We find that it is helpful for the training to be delivered in a multi-agency context because that develops the shared understanding that we want and breaks down some of the existing barriers, such as different professions having different ways of looking at things and different levels of trust.

Training is important. The examples that I gave earlier showed both ends of the spectrum. In one school, no members of staff had had training, but in the other, a lot of training had taken place.

Rhona Brankin: We have heard that child protection training is or will be mandatory for social workers. Will it be mandatory for teachers or people who work with young people in schools and nurseries?

Chris Mclroy: It is not mandatory at present. The amount of training is increasing significantly, but it is not mandatory.

Rhona Brankin: Are there any plans to make it mandatory?

Chris Mclroy: Not to my knowledge.

Ms Byrne: Are there any plans to extend HMIE inspections in schools to cover joint agency work such as that done by joint support teams? The most vulnerable young people are often dealt with in a multi-agency setting and HMIE should pick up on that work. Joint support teams should be extended into the primary sector so that there is multi-agency input throughout the education sector that is under scrutiny by HMIE.

Chris Mclroy: As authorities and projects have taken up more multi-agency working and as multi-agency working has become such a significant issue in child protection and in children's services more generally, we have considered ways in which to extend what we do to take account of that. Those considerations may be partly overtaken by the discussions that have been held about whether we ought to have a multi-agency inspection team to inspect children's services. In certain parts of our work such as inspections of integrated community schools, we place a lot of emphasis on links between agencies. However, at

present, those inspections cover not the whole system but a sample of it. In those inspections, we consider how agencies plan together, share information, assess need and agree on the steps that ought to be taken.

Given our expertise, we have to draw a line somewhere. We cannot inspect the effectiveness of the work of medical practitioners or social workers. That would have to be done by a multi-agency team.

Ms Byrne: I assume that you would be able to monitor the recommendations that are made by joint support teams and whether those are implemented appropriately. That is an important issue.

Chris Mclroy: I agree completely. We would evaluate that.

Ms Byrne: I have a question for Gill Ottley. Next month, the Executive will publish the results of a review of its policy on drug abuse. Given the information that we have received from you today, which has been a shock to many of us, do you think that the report will have relevance for child protection? Many of the services for drug abusers have an impact on their children. For example, there is family support, which is funded sporadically and comes and goes—it is not mainstreamed, if you like. In many communities there is a lack of rehabilitation facilities where drug abusers would have a daily point of contact with key workers who could also pick up on the family support elements. If there are matters of relevance in the report, how will you move forward on that? If the report is not relevant, will you come back to say that we have to consider the key area of treatment and family support for drug misusers?

Gill Ottley: I know that there has been a review of rehabilitation services within the Executive and certainly there was a line in the remit about services for children and families. I have not seen the outcome and I have not seen the drafts, so I cannot comment on the extent to which the report will touch on the issue, but I hope that it will do so.

Ms Byrne: When the report has come out, I would certainly like to get feedback on the implications that it may have.

Dr Murray: In the previous evidence-taking session, we heard about issues relating to multi-disciplinary inspections. I was interested to hear from HMIE about how you inspect the child protection policies of schools. Clearly, that is a complicated matter because there are different inspection procedures in different professions. You have had some experience of doing integrated inspections in the pre-five sector. We know that the minister will make an announcement next week, but what are the issues and problems that need to be addressed? What views about how the

rather complicated task might be carried out did your respective professions present to the Executive in response to the consultation?

Chris McIlroy: As you say, we have a fair body of experience of integrated working with the care commission in the pre-five sector. We have also worked with the social work services inspectorate and with, for example, representatives from health and housing. We have worked with different inspectorates for different purposes.

It takes a bit of time to address issues that relate to a multi-agency inspection team. There are different levels of development of quality assurance within health, social work, education and so on in respect of the system self-evaluating and identifying areas for improvement. There are different kinds of inspection and in some cases there is more emphasis on regulation and the use of standards, as opposed to quality indicators, which we use. There will have to be a lot of discussion quite early in the process about common aims, consideration of common outcomes for children and the importance of keeping the children in mind rather than our own particular interests and baggage. Consideration must be given to the inspection instruments that are required for that and it must be done without individual agencies defending their own approaches and ways of doing things.

We must create an initial model of how an inspection might look, what activities would be required, how much time would be required and in what situations teams would work together with powers crossing disciplines. Quite a lot of work would need to be done, but it is important work and it will be to the good in the long term. It reflects the way that the world out there is operating and the way in which we ought to move. However, the work will take a bit of time. The issue of timescale is important and everyone wants the work to be done as quickly as possible, but we must also get it right.

Gill Ottley: From a social work point of view I echo what Chris McIlroy said, because we already have quite a bit of experience of multidisciplinary work. We inspect adoption agencies and secure care schools with representatives from health, the care commission and HMIE. Our annual report has become much more multidisciplinary and we work with professionals from other disciplines. The more thematic national reports, such as "It's everyone's job to make sure I'm alright", of which we have produced almost one a year for the past three or four years, have all been multidisciplinary. We are gaining experience, but we have to overcome complexities such as differences in cultures, remits, levels of resourcing, accountability arrangements and methodologies. The social work services inspectorate is quite

small compared with HMIE and the professional staff within it consist of 16 professional social work staff and one occupational therapist—I have four inspectors in my team—so there will be resource issues if we extend our inspection remit.

Fiona Hyslop: The statistic that one in 56 births is to a drug-misusing parent is staggering. Do you expect each child to be on a social worker's case load? What other support would the parent receive in the immediate aftermath of the birth?

Gill Ottley: It is difficult to say whether all such children would be on a social worker's case load. They should be, but we know that some children who are on the child protection register and some children who are looked after are not allocated a social worker. That situation needs to be remedied. I would like to think that all children born to a drug-misusing parent are on a social worker's case load and have had a full assessment of the risk posed to them, but we cannot guarantee that at the moment.

Dr De Caestecker: Every child is on a health visitor's case load. We have recently issued guidance for consultation and will be publishing the final guidance in the summer. We are considering a change in the child health surveillance and screening programme. Research has shown that universal development checks for all children are not always the most effective way of identifying abnormality; parents identifying it is much more productive. By reducing the number of routine checks, we will free up a lot of health visitors' time to provide additional support to the families most in need and to provide more intensive support, such as that provided in the child health demonstration project in Glasgow, to the most vulnerable families, such as those with drug abuse problems.

Fiona Hyslop: We heard evidence previously that there was a severe problem with the recruitment and retention of health visitors and public health nurses. What impact will that have and what steps are being taken to remedy it? You are making a judgment by saying that you want to target resources rather than spread them more widely, but does that not have an impact on preventive work that may take place?

Dr De Caestecker: A number of issues are involved. First, the report "Nursing for Health" considered changing the role of health visitors to let them make more of a public health impact and to attract more people into the specialty. Additional funds are going into training to attract more people into that work and 200 additional training places in Scotland have been provided. We also have to consider skill mix. A number of projects around the country, such as the national health demonstration project, are looking at employing health support workers, who might be lay workers recruited from

the community, staff nurses and nursery nurses to work with health visitors, so that there is a team of people who can provide families with additional support.

You raise the possibility of a reduction in preventive work, but I think that that aspect is strengthened. Rather than be involved in checks that we know are not particularly effective, health visitors will target their preventive activity at supporting families who are at risk of having problems at a later stage. They will not do preventive work with every family, but will do so with those who most require it.

11:45

Fiona Hyslop: I have discussed on previous occasions the essential support given by those who provide kinship care to the children of drug-misusing parents. Such people need to be supported, but they often face financial barriers. What actions are being taken to ensure that there is a more robust policy on kinship care generally? I refer in particular to children who live in homes where drug misuse is common.

Gill Ottley: We need to know more about this area before we can formulate a clear policy direction. To that end, the SWSI recently agreed with the Open University that one of its professors would join us on secondment and she started last month. We hope to know much more as a result of her research into kinship care, which will continue for the next six months. We hope to ascertain the extent to which kinship care is being used by local authorities, to learn about the kin who are being used and to acquire details of the involvement of children who are placed with kin from drug-misusing households.

Fiona Hyslop: The evidence of our constituency case loads is that there is a gap between what local authorities know and what is happening on the ground. It is essential that certain organisations, including those representing grandparents, are contacted.

Gill Ottley: We are casting our net wider than issuing questionnaires to local authorities, for that reason.

The Convener: It might be worth while in due course to ask the Education Department for some feedback on that research. Given its timescale, that research will probably be outwith the scope of the inquiry, but the issue is important. We have touched on financial support and such matters in that context. I would be happy if the officials would take note of my request.

Gill Ottley: I will be happy to let the committee see the specification for the research that is under way.

The Convener: That would be super.

Mr Kenneth Macintosh (Eastwood) (Lab): I would like to direct my remarks to Gill Ottley. We are aware of high-profile cases of shortages of social work staff in certain areas of Scotland, such as east Glasgow, where children who are the subject of a supervision order may not see a social worker for long periods of time. That is in contrast to other areas, including my own, where there may be problems, but not of the same nature or scale. Do you have any evidence to help you to describe to us the nature and scale of the problem across Scotland? How patchy is it? How extensive are the problems of recruitment and retention and the shortages of social work staff? Have the measures that have been put in place so far been effective in addressing the problem?

I have heard anecdotally that the problem is more acute in certain parts of social work. It has been suggested to me that areas such as children and families services suffer from this problem to a greater extent than criminal justice social work, for example. I do not know whether that is backed up by any evidence, and I would welcome your comments in that regard. Is it a structural problem that relates specifically to children and families services as much as it relates generally to social work?

Gill Ottley: You are right to suggest that the level of service is patchy across Scotland. Circumstances are changing quickly as local authorities offer various incentives and start to examine salary structures and scales. It cannot be doubted that staff have moved in recent months. Shortages are being experienced in parts of the country where problems were not reported before Christmas. There has been a degree of churn. A report produced recently by the Scottish Social Services Council stated that the problem is worse in children and families teams. There are some suggestions that social workers are being enticed into some of the new initiatives that are around, partly as a result of increased Executive funding.

Overall, the problem is growth. We have 50 more social workers on the ground this year than we had at the same time last year, but we have more vacancies, too. The problem is how best to manage that growth.

The Executive has put in place a raft of initiatives, including a recruitment and retention campaign, which is in its second phase. It is targeting young school leavers in the hope of attracting more entrants straight from school to the new social work honours degree. We hope that the degree will help to raise the esteem in which the profession is held and attract more people to study social work.

We have an incentive scheme that will kick in in April. The social work courses in Scotland produce about 400 trained social workers each year, but it is clear from the numbers of people who enter the profession that, on completion of those courses, there is some leakage. We do not know how many people go off and work in the voluntary sector, how many go south, how many take a year out or how many start families. The incentive scheme, which will offer people £3,000 when they first take up a job after qualifying and £3,000 at the end of the first and second years in employment, is an attempt to close that gap and to lock people into employment.

The highly successful fast-track scheme that we have set up, which is now in its second tranche, has been extraordinarily attractive and over-subscribed. It will fast-track postgraduates in 18 months, as opposed to the normal period of postgraduate training of two years. It is clear that the attraction of the fast-track scheme has been that it offers a small salary to students while they are training; in addition, the trendy adverts have done something to change the image. We are getting applications not just from teachers and nurses, but from big leapers, who are coming into social work from other professions.

The difficulty about saying that we are recruiting to capacity into training schemes is that there is no quick fix; it will take a while for those people to complete their training and come through. Employers also need to consider retention, although certain employers are taking the issue seriously. A number of them are considering golden handshakes in order to recruit and retain staff and are addressing other issues such as staff development and staff appraisal.

Mr Macintosh: Thanks very much. That was a comprehensive answer. I am delighted to hear much of what you say.

My other question is about structure as much as it is about numbers. Is there a particular problem with children and families services, as opposed to other parts of social work, such as criminal justice social work?

Gill Ottley: Yes, there is some evidence that children and families teams have higher vacancy levels than do other areas of social work. We badged all the places on the first tranche of the fast-track scheme so that people who completed that first tranche would undertake to work in children and families areas. The incentive scheme will allow us to badge areas that are suffering from particular shortages, so we will be able to say which jobs attract the incentive payment. In doing that, we will have to be careful that we do not simply encourage more churn and rob Peter to pay Paul. We do not want to create a massive

influx into one area and cause problems in another.

Mr Macintosh: I want to return briefly to a point that all members have commented on. In your opening statement, you gave powerful evidence on the growing problem of children who are born to drug-abusing and drug-misusing parents. It is quite clear that that is a growing problem, and we need to refocus our efforts to tackle child protection issues. You flagged up the difficulty with the policy issues between adult support and child protection, and I am glad to hear that that is being addressed. I have only anecdotal evidence, but I believe that there is often neglect in families affected by drug misuse, whereas abuse is often fuelled by alcohol. The scale of the alcohol problem in Scotland is far greater than the scale of the drug problem. Will you put in perspective the child protection risk that is associated with drugs, compared with the risk that is associated with alcohol or other factors?

Gill Ottley: There are serious problems associated with alcohol misuse too. There is no doubt that alcohol misuse and drug misuse are both major issues in child protection.

Mr Macintosh: Earlier, Robert Brown mentioned the trigger factors that flag up the need for you and other agencies to pay particular attention to certain families. Drug misuse is clearly one such factor, but how does it compare with alcohol misuse? Is it a more important factor?

Gill Ottley: Alcohol is a drug and in terms of the harmful effects that Scotland suffers from drugs, alcohol misuse is probably Scotland's biggest problem. Drug misuse focuses people's minds because it is illegal. Often, alcohol misuse and drug misuse are not distinct—they often feature together in families, and there is multi-drug misuse.

The Convener: A concern was raised about local authorities outbidding each other for staff. The committee might want to come back to that, because we do not want resources to be sidetracked into stimulating churn, as it was described.

I thank the witnesses for a useful and interesting session and I am grateful for their input. I am aware that some people have to leave early, but we will take a five-minute break.

11:57

Meeting suspended.

12:05

On resuming—

The Convener: I welcome our third panel, from the Association of Chief Police Officers in

Scotland. In particular, I welcome Deputy Chief Constable Robert Ovens of Dumfries and Galloway constabulary. He is mentioned in the report as being the key bod in this context. I also introduce Chief Inspector Kate Thomson, who is also from Dumfries and Galloway constabulary.

Mr Ovens will kick off with some opening comments.

Deputy Chief Constable Robert Ovens (Dumfries and Galloway Constabulary): We are grateful for the opportunity to address members today. My involvement is outlined in the paper that we have submitted. ACPOS does business by having lead officers across the range of policing activities. Child protection comes within one of the portfolios for which I have responsibility. As is mentioned in the submission, child protection is linked with domestic abuse, sex offences and other offences against women, so there is a relationship with other areas. I work at the strategic level on how the police service in Scotland links with our colleagues south of the border and how we work with the other agencies and organisations that the committee has heard from today.

Chief Inspector Thomson is currently head of professional standards in my force. Previously, she headed up the family protection unit in Dumfries and Galloway, so she has a lot of experience of the practical issues in which we felt that members might be interested. I hope that we can give you the best of both worlds in giving you information today.

Lord James Douglas-Hamilton: After Soham, are you satisfied that information will get through to those who are about to choose persons who will be acting in a position of trust in relation to children, either in schools or in other capacities? Will information on previous convictions or child abuse get through?

Deputy Chief Constable Ovens: There are clear arrangements for how that information is dealt with and processed. As was mentioned earlier, Disclosure Scotland operates within the Scottish Criminal Record Office and discharges that responsibility. There are robust and appropriate arrangements in place to deal with such information in Scotland, but lessons are there to be learned.

Disclosure Scotland is at an early stage of development. It has been operating for just over a year. Experience is being gained and, like any new procedure or arrangement, it is recognised that there will be situations in which administration has to be improved on or tightened up.

Lord James Douglas-Hamilton: Will that cover situations in which persons have been charged on more than one occasion and have been acquitted, but there is still a bit of a cloud over their actions?

Deputy Chief Constable Ovens: The system in Scotland for handling information about persons who have been charged and convicted in court is quite clear. Behind that, there are what we call intelligence systems. Someone who has been charged might have been acquitted or not convicted, or their case might not even have proceeded to court, but the police might have raised an intelligence submission in relation to the matter and might have put it into our systems.

We operate what is called a flag system. If it was considered that there was a potential danger to children or to other vulnerable groups of people, the intelligence would be flagged through the Scottish Criminal Record Office. When checks are made on people's fitness for the positions that they might hold in schools and other places, that flag will be noted by Disclosure Scotland, which will go back to the source of the intelligence. A senior officer in the force that holds the information will consider whether it needs to be included in the disclosure information that is provided to the organisation undertaking the inquiry.

Lord James Douglas-Hamilton: Is each case weighed on its merits?

Deputy Chief Constable Ovens: All pieces of intelligence have to be weighed on their merits. There is legislation setting out the arrangements, and we have to add weighting and make decisions about whether it is proper and lawful to hold the information and whether it can be put into our systems. From that, we determine how long the information will stay in our system. There is not a blanket policy in Scotland on how intelligence is held in the system. A determination is made in respect of each case. If a second piece of intelligence is added, that might further influence whether the original piece of intelligence is held for a longer or shorter period. A picture is built up on the basis of whatever additional pieces of intelligence are put into the system.

Lord James Douglas-Hamilton: Are there concerns about data protection legislation impeding you from carrying out duties in that connection?

Deputy Chief Constable Ovens: Since the passing of the Data Protection Act 1998, the introduction of new provisions on intelligence and the establishment of Disclosure Scotland, there has been considerable dialogue with the data protection commissioner. Advice has been offered on those new provisions—and I am not referring to the Soham case.

We are comfortable that the systems that operate allow us to hold intelligence. Importantly, we must always hold such intelligence legally, in compliance with the requirements of the 1998 act. However, that does not inhibit or prevent us from

holding intelligence in the manners that I have described. It is a complex area, and a lot of expertise has been applied to it, but I am not aware of situations in which the 1998 act has prevented us from holding intelligence that we would have wished to hold. I cannot suggest any cases in which that has occurred.

Lord James Douglas-Hamilton: So in all cases in which an individual could be a threat to children, information on them is likely to be passed on.

Deputy Chief Constable Ovens: Such information is likely to be submitted as intelligence. From that, because of the threat to children, a flag should be created at the Scottish Criminal Record Office, so that when a disclosure check is made, that factor is taken into account. However, I should add a caveat to that: there are different levels of disclosure check. I was referring to the checks that are made for an enhanced certificate, as opposed to a basic certificate. In any event, the advice in respect of people working with children or other vulnerable groups of people is quite clear: the checks should be at an enhanced level.

Lord James Douglas-Hamilton: The Scottish Executive has prioritised a number of areas under the child protection reform programme. Are its priorities the right ones, or could some areas have been given a higher priority, for immediate attention?

Deputy Chief Constable Ovens: As you may or may not be aware, I sit on the steering group that deals with the advice that is proffered by the review team, so I can comment on that. Part of the steering group's work was to consider what the priority areas were. I sat round the table, discussing with colleagues from whom you have already heard this morning the areas of highest risk, where we considered it necessary to carry out the initial work. We agree that the proposals are in the right areas. It would have been nice to do everything at the same time, but the reality was that some things needed to be prioritised.

The Convener: I want to press you slightly on the disclosure of information, because I am not sure that I fully understand the set-up. We follow what happens in relation to convictions and acquittals in which there might be an element of risk behind the scenes. However, what about situations in which people provide information about something and the police have a good idea that someone has been involved in an offence, but there is no charge or court action because nothing can be proved? Does that kind of thing get into the registers?

12:15

Deputy Chief Constable Ovens: Yes, it does. It might help if I give an example. If an individual is

seen hanging around a children's playpark and the belief is that they are doing so for what is not a proper reason, an intelligence submission would be created for that individual. If information about such an individual came from an anonymous telephone call and we could not verify the information, we would still create an intelligence submission, but it would be classed as low-grade information. However, if the intelligence about such an individual came from a police officer, we would know that both the information and the source were credible and that no malicious intent was behind the information. Such intelligence would be classed as highly credible and it would go into the system as such. The intelligence would then be flagged up within the Scottish Criminal Record Office because it was relevant.

Even in situations such as the one that I have just described, a police force can still assess whether the information that it holds on an individual is relevant to a particular inquiry that comes through the disclosure unit. If the inquiry was about the individual in the circumstances that I just described and they were applying for a post in a school or a youth club, I would make a positive judgment to disclose the information because of our concerns, albeit that nothing had been proved. Judgment comes in as an analytical tool to support the evidence that we provide.

The Convener: That is helpful.

Fiona Hyslop: We probably have to work out what happens after that. You would flag up a check for disclosure that would trigger a further check. However, we do not know what happens at that stage. Can you help us with that or would it be better to take that up with those who are involved in the disclosure arrangements?

Deputy Chief Constable Ovens: I have only superficial expertise in that area, but I can take you through it and you can indicate whether what I say is sufficient. The disclosure unit is a facilitation unit. When an inquiry comes in, the disclosure unit makes checks in the system. That means that the unit checks for previous convictions in the Scottish Criminal Record Office systems. If the checks uncover intelligence—

Fiona Hyslop: That would be soft intelligence.

Deputy Chief Constable Ovens: Yes. The unit would see that the intelligence was flagged up and it would then go to the relevant police force. Each police force operates a disclosure unit, which is responsible for pooling the information that is flagged up within the arrangements, considering that information and preparing a report on it. That report then goes to a senior officer, who decides whether the information needs to be disclosed to the organisation that made the inquiry. I do not know whether that explains the process. The issue

is about evaluating how the intelligence on an individual relates to the particular inquiry on them that an employer or organisation has made and assessing whether the intelligence should be disclosed to the employer or organisation.

The Convener: We might want to follow that matter up with other agencies if it is still an issue.

Fiona Hyslop: Yes, we should do that.

Recommendation 1 of the report "It's everyone's job to make sure I'm alright" states:

"All agencies should review their procedures and processes ... to ensure that practitioners have ... the right information at the right time".

What are the police doing differently now to ensure that they can meet that recommendation?

Deputy Chief Constable Ovens: First, we considered our internal processes, particularly administration and information management. The fact that files tend to be complex and have a lot of information was highlighted. Unless whoever consults them reads them in depth, they could miss relevant information. Therefore, we wanted a clear, understandable summary of the information on an individual at the front of a file to ensure that, if someone could not go through the whole file—which is not always practicable—they could be made aware of the key issues.

Another key area fits into that. From a police perspective, our core business is investigation. One issue that has been raised, particularly in Lord Laming's inquiry, is the skills of those carrying out the investigations in relation to child protection. One of the major areas that we have picked up on and addressed is ensuring that those who are working in child protection have the proper skills. First and foremost, that is about investigatory skills, and officers are now trained to be detective officers. In the past, the first consideration for officers in that area was that they should be given child protection training. We now ensure that they have adequate investigatory skills because, in child protection matters, that is the core skill that the police bring to the table.

That was a significant area that we needed to address. It takes time, because it involves getting the right people and getting them trained. The training is intense and there are significant capacity issues in facilitating the training. We must also deal with those who are already working in the area, who may not have had such training. We do not want to lose the expertise that they have built up in other aspects of dealing with child protection.

The other main platform is the adequacy of the information sharing arrangements between police forces and other partner organisations. The committee has heard today about the work that is

evolving to deal with that. In the fullness of time, it is hoped that we will achieve a comprehensive system that addresses the migratory nature of all of us these days, by which I mean our ability to move about the country. In the meantime, until we get a comprehensive national solution, we must ensure that the arrangements that we have in place are fit for purpose. From the north to the south of Scotland, there are a variety of protocols and other arrangements. Until we have a national solution, we must identify the best arrangements—those that fit working practices in different areas—and ensure that our information sharing is as good as it can be. That tends to be an area in which gaps exist and failures occur.

Fiona Hyslop: A lot seems to be riding on waiting until we have a national solution. You will know from the current reports, one of which is about fast-tracking children's hearings, and other reports from throughout the country, about the speed at which police provide children's panels with reports and so on. In the report on fast-tracking, there is concern about the implications of data protection. Is exchanging information with children's panels an issue for you? There is also the issue of variability throughout the country, as some police authorities are much better than others at providing timely information. You talked about the police's main role being investigation; I may be mistaken, but I thought that protection was one of its main roles. Is there an issue in the here and now that can and should be addressed? How do we ensure that we have standards that can be met throughout the country?

Deputy Chief Constable Ovens: There is clear guidance on submissions to the children's hearings system. Audit arrangements are key to that. I am sure that the committee is aware of the statistics, so it can compare forces and identify which ones are the best. The process that we have in ACPOS—and part of my role—is to raise awareness and to ensure that, at a very senior level within each of the police forces in the country, there is responsibility for doing the audits and the checks. That is why we developed the matrix, of which we provided you with a summarised copy. That assists chief officers, who then go back to their forces and examine all the issues that they need to satisfy themselves about.

On the appropriateness and timeliness of the information that goes into the system, one of the areas that was touched on earlier—which we are now working on—is the referral from domestic abuse to the children's reporter. That is by far the largest group of referrals that we make and it is certainly the largest group that the reporters receive from any of the other organisations or agencies.

We are conscious that there are two issues. We must continue to ensure that we protect children.

We have also had to consider the quality of the information and what the key information is. The issue is not just how quickly we get the information, but whether we are getting the right information to those who can make an assessment about what action might be taken, if action is necessary. We have identified the fact that, although the information is broadly the same whether in Inverness or Dumfries, it is not exactly the same. The methods and documents that are used are certainly not the same. We have considered the issue from the children's reporters' perspective and have asked how they are interpreting the information, and we have asked colleagues in social work how useful the information with which they are provided is if they have follow-up work to do.

Our core business might be investigating and preventing crime, but like other organisations, we are learning that there clearly are times when we have access to significant information that might be of assistance to other organisations. We are considering what information we can gather in situations to provide to colleagues in other agencies. Although it is frequently said that the Data Protection Act 1998 prevents us from doing certain things, the reality is that it prevents us from doing very little. There are strong caveats built into it in relation to the prevention or detection of crime. The prevention of crime is a very broad catch-all and its position is not to be abused, but if we have concerns about the well-being of a child and we think that there is potential to use information, we have a duty to gather information and to provide it to the appropriate organisations and the agencies that need to be informed.

We are trying to ensure that our staff are equipped with the knowledge to tell them what things they need to note when they are dealing with situations. Often, they are at houses or in situations for quite different reasons, but while they are there, they might see things that cause concern. It is about knowing the key pieces of information to gather and to put into the process to get information to others for them to consider in the round.

Mr Macintosh: My question follows on from the response that you gave to Fiona Hyslop about training child protection officers in detection skills or for investigatory qualifications. Your submission talks about the problem of child protection being viewed as a soft area of police work and not being given priority within the police structures in terms of officers' careers or commitment. What success are you having in addressing that and ensuring that child protection is viewed as a serious career option and a priority area?

12:30

Deputy Chief Constable Ovens: We have had to work hard at that and it would be wrong for me to say that we have completely overcome the issues. Kate Thomson can perhaps add to this. Not that long ago—15 years or so ago—we saw child protection primarily as work that policewomen would pick up and deal with. That was the context, and there was an equality issue in relation to how policewomen were viewed by the organisation. We have obviously worked hard to address that and the types of work that officers do but, sadly, that was the historical view.

Even during the 1990s, when family and child units were created, the attitude was often, "We will put women in to do that sort of work," instead of "Have we found the people with the right skills?" We should assess people's skills and avoid making the broad assumption that someone would be better at certain work because of their gender.

There was a real feeling among the police officers who gave evidence to Lord Laming's inquiry that they were not regarded in the way that other people were. That raised the critical issue about detective officers. If a death occurs, we put skilled and senior investigators on the case, so why should that be any different if a child dies? We might argue that we should put the very best people that we have on such cases, but sadly that was not happening. We have addressed that.

We also want to ensure that, within the police force, child protection is a truly valued area of work, so that police officers aspire to do it—but for the right reasons, because they have a contribution to make. You have touched on that in the context of other organisations. Police forces have to consider their internal arrangements and work hard at that. It is about ensuring that there is proper training in the required skills and that there are proper support mechanisms, because it is a difficult area of policing and the people who work in it must be supported. Kate Thomson might want to add something, because she has worked at the practitioner end.

Chief Inspector Kate Thomson (Dumfries and Galloway Constabulary): It is fair to say that there have been massive changes, even in the past three or four years. We are starting to see a big turnaround. It is sad that it has taken catastrophic events—even for the police service—for those changes to happen, but child protection is increasingly an area in which officers want to work.

This morning, the committee heard about other organisations' difficulties in filling posts in relation to children and families. I think that we are starting to get our structures right, but we need to ensure that that happens throughout Scotland, so that we

do not just have pockets of good practice. There are officers of either gender who genuinely want to do the work and who have the required skills. They must be not only good investigators but good communicators—some people forget that the work involves dealing with families who are struggling to deal with a crisis in their lives, and the police are still very much regarded as a heavy hand. We have to do our job, but we must not be heavy-handed in the way that perhaps we used to be, when we were very limited in what we could do. We are not there just to carry out an investigation; we must also deal with issues around the protection of vulnerable people. It is reassuring that there has been a change over the past couple of years in the police service—big changes, from my point of view—and that we are starting to value the people who do that kind of work. If we can value those people, their longevity in those roles will increase and there will not be the burn-out levels that there used to be in the police service.

Mr Macintosh: That is reassuring.

A related issue is that it can be difficult to change an organisation's culture—indeed, in this context, there can be a clash of cultures. In the past, there has been a clash between the approach of the police and that of social work departments. The relationship between the two has potentially been quite hostile—not in all situations, obviously, but in certain situations. How are you tackling that? I imagine that professional difficulties and even conflicts of interest can arise. Issues of confidentiality arise because social workers must gain the trust and confidence of the people with whom they work, whereas the police role might be more to deter or even to punish. However, we want organisations to share information and engage in joint working. Can you imagine a situation in which the police could not only share information, but pool resources with health and social work departments. Could the police go as far as that to work in a truly joined-up way with others involved in child protection, or is that a step too far? Should we just challenge the culture?

Deputy Chief Constable Ovens: Kate Thomson can say more than I can about the practicalities. I hope that we can give you some reassurance.

The answer is that we have to move towards the model of which you speak, which does not ask the police service to go a step too far. One of the key elements of my role that I strive to achieve is to put child protection first. Criminal justice and how it is delivered come second. If a decision must be made between protecting a child and identifying an offender, it is straightforward—we will always protect the child. Historically, that is where the tension has arisen between the police and social

work departments. Our current view was not necessarily taken when we dealt with the protection of a child in the past. We are absolutely clear now that that is our responsibility.

Members will have heard much about that approach recently with regard to operation Ore. We approached the situation from a national perspective in Scotland and took the strategic decision that I would deal with all the child protection elements that flowed from that operation—in relation to the strategy rather than specific cases—and that one of my chief officer colleagues would deal with the investigation side. That clear approach was taken so that my work would not get fudged or confused and that the child protection element would be safeguarded. My role involved talking with colleagues about the social work surveys in local authorities and ensuring that we had made the appropriate arrangements. We are having a debriefing session next week to look at the lessons learned—what worked well and what did not work as well. We will focus on child protection, not on investigation or who appeared or did not appear in court.

Chief Inspector Thomson: The answer to Kenneth Macintosh's question is that he was describing the utopia that we want to reach. However, if one takes on any multi-agency work, particularly in the area of child protection, it can be difficult to get there.

Agencies became slightly confused about their role. When one works in a multi-agency environment on a daily basis, one sometimes loses sight of what one's function is—in policing, it is to be a police officer; in social work, it is to be a social worker. We have rules on disclosure, which have caused problems in the past. We talked about data protection before. If one works in that arena all the time, one becomes comfortable with working within the legislation and balancing data protection with the protection of people.

I am sad to say that, over the years, the status quo became a situation in which we told one another nothing. Then we went to the other extreme: we became so confused about our roles that we stopped doing what we do well—the job that we joined up to do. We are getting back to the stage at which we need to have clearly outlined roles that everybody understands. Everybody must understand the rules by which we are governed.

The overriding factor is whether failure to disclose information to one's fellow agency would ultimately put somebody at risk. That should be the basic principle of the legislation, and we must justify our actions. Ultimately, if we have people who are comfortable working in child protection and who understand the rules and that basic principle, the situation will improve greatly.

Rhona Brankin: I would like more information about training. I am interested in parity of esteem in child protection issues. Is child protection part of core police education, either before people enter the service or while they are in the service? To what extent has interagency training been developed? Would a greater level of support from the Executive be helpful in that regard?

Deputy Chief Constable Ovens: Again, we will answer that question jointly, because Kate Thomson can tell you more than I can about multi-agency training, as she has been heavily involved in that area in the past.

We take a broad-brush approach to the training of police officers in relation to the principles of the main areas of business. Child protection is included in the training at the Scottish Police College and also in supervisor training in general. The vast majority of police officers—those who are on the beat—are generalists. The nature of the job means that they have to be generalists because when they report for duty they do not know what they will be called on to respond to. The key for us is to ensure that the broad-brush training that they get is the right training and equips them with the critical information that they need. That issue always needs to be revisited, and it is currently being revisited with regard to our work on child protection. We are doing that with other organisations.

The few people in the service who work in the specialist area of child protection have to be highly trained in their specialism. They started off as generalists before being trained as detectives and skilled investigators. On top of that, they get specific child protection training at the Scottish Police College. That specialist training is not delivered in a vacuum; other organisations inform it. Then there is multi-agency training. Until now, that has been delivered at individual force level with partner organisations—Kate Thomson can tell you more about that. Further, through our training and development system, we try to ensure that a fair throughput of people receive training in the academic world. The University of Dundee is at the forefront of that work. That brings a richness to the training and exposes child protection specialists to a wider picture, through research, which can shape our awareness of the work that we need to do.

Chief Inspector Thomson: The only issue that I will raise with regard to multi-agency training is that, in the past, work has been done in isolated pockets and has been dictated by the local area. Everyone would like there to be a generic programme that would inform local multi-agency training across the country and would build on the training that everybody receives in their own organisation. That would help to reinforce the

messages from social work, education and other partner agencies, such as the health service, that people pick up during their training. It is important to ensure that the messages that are received do not conflict with one another—we have found that to be the case in the past. The multi-agency training at a local level should not tell people anything new; it should bring them up to date and encourage them to work out the basic principles that they will need to follow in order to work together while retaining their own identities.

Mr Ingram: I am encouraged by what you have told us about the significant improvements with regard to the status of child protection work and the priority that has been given to it by the police over the past three or four years. That said, the report “It’s everyone’s job to make sure I’m alright” indicated that resource constraints affected child protection referrals and had an impact on the depth of investigations and the development of the skills that are needed to undertake those investigations. Is the initiative that you are taking with detective training meant to address that particular problem? Are there any other areas in which resource restraints impact on your child protection work?

12:45

Deputy Chief Constable Ovens: You are absolutely right to identify the issue of resourcing. Having clearly identified child protection as a high-risk, high-priority area, we must make decisions about resourcing. Obviously, we must first understand what the resource requirement is in order to deliver the service that we say that we want to provide. Then we must make clear decisions to ensure that we hold to that resource level. As you will appreciate, discipline in the police as an organisation means that we can dictate ultimately where resources go, although we must do so in partnership with the police authorities, the Executive and the communities that we serve.

I will use my force as an example. I have taken a management decision that, if officers are abstracted as a result of courses or other factors, we will ensure that the resource level is held at the level that it needs to be all the time. That means that another area of policing will suffer, but one must make a decision and manage the risk. We must ensure that resources are adequate.

As we move into the developed arrangements, particularly once the standards are publicised and the new arrangements come through—people who think that those have taken some time might be frustrated, but they are now coming through—that will further inform us about the resource commitment that we will need to make. We will need to take hard decisions about where our

resources need to be. Child protection is at the top of the list of priorities for any police force and we recognise that we cannot reduce resource levels. It is likely that, to achieve what we want to achieve in the future, we will need to resource that area further.

Mr Ingram: Do other agencies' resources impact on you? For example, we have heard that there could be shortages of social workers in an area. Does that mean that extra work would fall back on the police in that area?

Deputy Chief Constable Ovens: I do not think that there is a black-and-white answer. My answer would be no, although Kate Thomson may correct me about the practicalities.

Chief Inspector Thomson: I would like to return to the previous question and to build on what Mr Ovens said. Part of the resource issue relates to the management of units' work loads. The issue is not simply about having bodies to deal with the work, but about managing case loads, which is vital.

I certainly support what was said earlier about the importance of structures. A strong supporting management structure—I am not just talking about the first line, but all the way through—makes it far easier to manage the day-to-day issues that arise. When there are impacts on other agencies with which we work, we should still be able to respond without stepping out of our own role and into that of somebody else. Realistically, we might not have somebody with whom to do a joint investigation, but we can go out, do an investigation and report to the managers in the other organisation. There must be flexibility, but we must also be mindful of the fact that we are police officers. I imagine that the same would apply to health visitors and general practitioners. We can do a certain amount of the work that we need to do, but we must be mindful of where our role stops and ensure that we stop there. The minute a person steps over that line, things become difficult, as they have entered an arena with which they are not fully au fait. That would be quite dangerous.

The Convener: I want to take up another resource issue that the submission touches on, but that nobody has mentioned so far. It relates to medical examinations. You have identified what seems to be quite a serious problem of limited availability of suitably trained people. People are put off by the court process, the low value that they give to the work and so on. Is anything being done to tackle that by taking people on to the force's payroll, rather than having independent contractors?

Deputy Chief Constable Ovens: Various measures are being taken. For example, an initiative is being undertaken in Glasgow in the

hope of creating a centre that will be a one-stop shop for all medical needs. It is clear that care needs and investigative needs are separate. One cannot lose sight of victims' care needs. Work is being undertaken with other agencies to create that centre. If that works well, it is hoped that it will be replicated in other areas—it will probably evolve into a model for urban areas. However, Scotland is a rural country, and as the model is less likely to be replicated in rural areas, people would have to travel from rural to urban areas. Service provision must take into account people who are traumatised, children and others, so there remain issues to be considered in that respect.

We are working hard on and have flagged up with procurators fiscal and the Scottish Court Service issues that we have identified with how other professionals are treated in the arrangements. Such issues are among the biggest inhibitors to medical professionals undertaking too much work in this area, because they feel that the system does not recognise the professional demands that are placed on them. Changing diaries and commitments at short notice is impractical for those who run surgeries or who are consultants with waiting lists. We are working with the medical profession, through the Royal College of Paediatrics and Child Health, to find a solution.

We have found it helpful to explore our culpability in the past, when we looked for doctors to come on board and to provide a service across the board, from dealing with drunks on Friday and Saturday nights—although such situations are now more common—to everything else. Now, we are having dialogue with medical professionals who will provide only a specialist service for children and women, so that the impact on their time is less significant and they are more able to provide the service.

All that comes back to training, because forensic training must be undertaken. Forensic training would be provided only in the subject in which a professional operated and such professionals would not have to be trained in other subjects that police surgeons need to cover under ad hoc arrangements. That concerns discussion, service provision and highlighting at the highest level the issue's existence and the fact that it should not lie purely with the police service to find the solution.

The Convener: That matter is important.

Ms Alexander: I will return to an information technology issue. The ACPOS submission is right to say that information technology

"is one of the ... areas that consistently has been identified through the various ... reviews as being deficient."

The annex to the ACPOS paper says that a paper on project sentinel, which arises from the Laming report, was published in January. The paper says

that work with the Executive continues, but the Executive says that its number 1 action on information sharing is a paper on integrated assessment and information sharing in children's services, which was issued on 2 February. The ACPOS submission does not mention that paper.

Has either witness had the opportunity to see or be involved in developing the framework that the Executive published on 2 February? Is a police representative a member of the Baldwin working group on the subject, which met yesterday?

Deputy Chief Constable Ovens: The answer to the first question is yes, as we are involved in the Executive's work on information sharing. I have met the individual who leads that work—Vijay Patel—and he has met colleagues of mine. He has been informed, so we are involved in that work. That omission in our submission was unintentional. Such work provides the route to resolving the situation.

We are keeping the Scottish Executive project in sight and we are ensuring that it has linkages. I have spoken to Vijay Patel about that and about the work that is happening in England and Wales, to ensure that he can access that information. We should have the potential to join up; at the least, we should have the awareness that, down the line, we must strive for a United Kingdom dimension to information sharing, because those who are vulnerable or who may be perpetrators of acts in which we might be interested move around the UK.

Ms Alexander: I accept the need for a UK framework, but you will understand that the committee becomes nervous if the Executive says that its main way of pulling stakeholders together is through the framework, yet ACPOS produces a submission that does not mention that framework. I do not expect you to know straight off whether ACPOS has a representative on the Baldwin working group, but perhaps Mr Patel or somebody else could write to us about whether there is an ACPOS or other police presence on the group.

Deputy Chief Constable Ovens: I am sorry—I did not catch the name of that group.

Ms Alexander: The Executive says:

"Following discussion with ... stakeholders, a paper on an integrated framework for assessment of children and information sharing in children's services was issued on 2 February".

That is the main way in which the Executive is trying to meet the need for an integrated framework. A working group that is chaired by Professor Baldwin has been convened and will produce a consultation framework in a year's time.

Deputy Chief Constable Ovens: We have been asked to provide a representative to be a

member of that group. In any case, I am a member of the steering group that sits above that group, and of the group that received the paper to which you referred. I am sorry for not catching that question the first time.

The Convener: I am conscious of the time. Rhona Brankin has asked for a response on one point about the models for child protection committees. Will you give us your views in writing on the best way of tackling those matters? Recommendation 5 of the child protection review concerns those committees.

Rhona Brankin: It would also be useful to find out how police services are addressing structures to deal with child protection issues.

The Convener: Many questions have been asked and we could go on for a long time. The session has been useful and we are grateful for the witnesses' input.

Meeting closed at 12:57.

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