

## Response ID ANON-6AMT-CG21-5

Submitted to Regulation of child contact centre services  
Submitted on 2021-07-12 12:36:15

### Introduction

#### Part 2: Accommodation Standards

1 How important do you feel it is that each of the following areas are included in the regulations for minimum standards of accommodation?  
(Very important, somewhat important, fairly unimportant, very unimportant)

1a - Are clean, bright, warm, well maintained and well ventilated:  
Somewhat important

1a - Are safe and secure (including any outdoor areas), free from avoidable hazards and have a secure entry system:  
Somewhat important

1a - Have toilets, nappy changing facilities and (where available) kitchen facilities that are in good condition with access to hot and cold water and compliant with existing environmental health and safety requirements:  
Somewhat important

1a - Have furniture, soft furnishings, toys and equipment (including outdoor play equipment) and appliances/fittings that are in good condition and compliant with health and safety requirements, including British Standards Institution (BSI) safety standards:  
Somewhat important

1a - Have adequate space to meet the needs of children and families using the centre, including sufficient waiting areas:  
Very important

1a - Have at least two separate entrances/exits, where possible:  
Fairly unimportant

1a - Have access to age appropriate and good quality play equipment and play spaces, including outside space where possible:  
Very important

1a - Have clearly defined emergency evacuation plans in place that staff, parents and children are aware of and that are well signposted:  
Somewhat important

1a - Have fire safety equipment that conforms with BSI safety standards:  
Somewhat important

1a - Have a first aid box:  
Somewhat important

Do you have any further comments regarding your selections? :

While having two entrances may be desirable, we suggest that there are other ways of managing arrival and pick up that recognise the issues facing individual contact centre locations and allow scope for local management discretion. For example, separated waiting areas within the premises might be a viable alternative. The use of premises which are otherwise well suited for contact should not be precluded because there is only one entrance. Even when there are two entrances or parents arriving at different times this doesn't necessarily prevent unhelpful encounters taking place outside the contact centre.

Having two entrances may require extra staff to monitor both entrances

Standards should be set out in guidance so that changes such as those necessary during the pandemic can be made quickly.

Allowance has to be made for the situation where either or both parents/carer are reliant on public transport for travel, sometimes for considerable distances. Late arrival by one parent should not be a justification for penalising the other.

2 Are there any other areas that should be considered for the minimum standards for accommodation?

Yes

Why did you select your answer? If you have answered yes, please list the areas you consider should be covered.:

We are aware of pressure to ensure there is disabled access for either parents or children. This is an important issue but a time frame should be established for compliance that does not close the doors immediately on premises that don't comply on Day 1. See answer to Questions 4 and 9.

3 Do you agree with the proposed process for and frequency of inspections for a provider's registered premises?

No

Why did you select your answer?:

We agree with a three year cycle of inspection, but consider that although the Care Inspectorate may be a possible body to carry out inspections, it is important that there is a wider look at which bodies should be considered, given the Care Commission's lack of knowledge in this area.

4 Do you agree/disagree with the proposed sanctions for non-compliance with the accommodation standards?

Agree

Why did you select your answer?:

The proposed sanctions for non-compliance should allow sufficient time for a contact centre to carry out the required changes, particularly at the outset of this process.

5 Should the same minimum standards that apply to registered premises also apply to alternative premises?

No

Why did you select your answer?:

There should be some flexibility in applying standards to premises that are not in control of the organisation running the contact centre, particularly where the premises are already in use for some form of childcare and are therefore subject to other standards.

6 Are there any other areas that you think should be included in the minimum standards for alternative premises used on an ad hoc basis?

Don't know

Why did you select your answer? If you have answered yes, please list the areas you consider should be included:

7 Do you agree/disagree with the proposed process for inspections for alternative premises used on an ad hoc basis?

Agree

Why did you select your answer?:

8 Should a contact centre provider be able to self-certify a premises as appropriate in situations where alternative premises are required unexpectedly or in an emergency?

Yes

Why did you select your answer?:

Self-certification is a good approach to avoiding delay in provision of alternative premises. Delay in arranging contact is potentially very damaging to the children and does not serve their best interests.

9 Do you think the proposed arrangements to help ensure compliance with existing duties under the 2010 Act in relation to disabled access at child contact centres are adequate?

Yes

Why did you select your answer?:

While this provision is intended to be anticipatory, this should not mean that each location has to provide all possible disabled access facilities at all times, as this would be unduly onerous. If a contact centre can demonstrate that it has reviewed the range of likely facilities, identified shortfalls in their existing premises and also identified alternative locations in the same area that would have suitable provision, this should be sufficient to meet the anticipatory test.

In relation to the more remote locations, it may not be easy even to identify suitable alternatives nearby, but as long as the organisation can show that it has taken any request seriously and worked hard to make reasonable adjustments it should be considered compliant.

### Part 3: Staff and volunteer training standards

10 These are the key areas we consider staff and volunteers in child contact centres working with children and families should be trained in under the proposed standards (other than staff or volunteers carrying out administrative or maintenance roles). Please rate each on whether you feel it should be: Required for all staff (except those in administrative roles), Desirable for some staff to complete, but not required for all staff, or Not required for any staff to complete.

10a - Child protection:

Required

10a - Understanding domestic abuse, particularly the dynamic of coercive control:

Desirable

10a - Understanding the ways adults can influence a child:

Desirable

10a - Working with families in conflict:

Required

10a - Responding to children's needs and behaviour:

Required

10a - Child development, including learning disabilities and developmental disorders:

Desirable

10a - Risk assessments:

Desirable

10a - Parental mental health:

Desirable

10a - Drug and alcohol misuse:

Desirable

10a - Awareness of other services that are available for children and young people:

Desirable

10a - Proficient recording of contact:

Required

10a - Reporting on contact:

Required

10a - Observing supervised contact:

Desirable

10a - Complaints handling:

Desirable

Do you have any further comments regarding your selections?:

These broad headings need expanded to give more detail of the issues to be covered, and there should also be a more comprehensive assessment of which staff roles require which part of the training.

Understanding the ways adults can unduly influence a child needs to be expanded to stress the seriousness of this issue, suggest adding " ... particularly causing a child to resist or refuse contact with the other parent" If you are unable to use the words Parental Alienation then you must be more specific - resist-refuse dynamics is becoming an accepted term.

Some of the essential subjects will need comprehensive training for the staff with most responsibility, but may also need to be covered in less detail by other staff members.

Any requirement that has to be met by all staff in contact with children should be broken down into components which all staff and volunteers must know, so that centres are aware of the bare minimum level necessary to induct a sessional volunteer. This bare minimum should not be so extensive that it makes it difficult for a centre to involve volunteers. Anyone working in a contact centre while they have only received this bare minimum should be working under close supervision of an experienced staff member. Administrative staff should be included if they are likely even fleetingly to come into contact with parents and children and, in particular, if they are the essential point of contact with centre by telephone or e mail. They can set the tone of subsequent relationships between parent/carer and the contact centre.

11 These are the areas we consider that it may be desirable for certain staff at the child contact centre to have training in depending on their role, but wouldn't necessarily be required as minimum standards under the regulations. Please rate each area on whether you feel it should be: Required for all staff as a minimum standard (except those in administrative roles), Desirable for some staff to complete, but not required for all staff, or Not required for any staff to complete.

11a - An introduction to trauma:

Desirable

11a - Adverse childhood experiences:

Desirable

11a - Positive transitions:

Required

11a - Attachment theory in child development:

Desirable

11a - Brain development:

Desirable

11a - Working with families where English is not their first language:

Required

Do you have any further comments regarding your selections? :

Each centre should endeavour to have staff who have knowledge of these topics, but they needn't be required for all staff apart from the points indicated..

We suggest adding the following topics:

- Knowledge of family and parenting issues in other cultures and religions
- Children's experience with same-sex parents
- Supporting both parents who may be restricted to video contact by distance or Covid.
- The expectations on both parents should be explicit.

12 These are the areas we would not plan to lay down as minimum standards under the regulations, but we would expect providers to ensure that members of staff have an awareness and understanding. For each area please indicate whether you Agree or Disagree with the proposed approach or if you Don't Know.

12a - Health and safety:

Agree

12a - Equality and diversity:

Agree

12a - Confidentiality/data protection/disclosure of information:

Agree

12a - Anti-harassment:

Agree

12a - Anti-bullying:

Agree

12a - Medication and nutrition:

Agree

12a - Disciplinary/whistleblowing:

Agree

12a - Practicalities of child contact centre management/admissions:

Agree

Do you have any further comments regarding your selections?:

13 Are there any other areas that should be considered for child contact centre staff training standards?

Yes

Why did you select your answer? If you have answered yes, please list the areas you consider should be covered.:

Add the following points:

- Complaint handling
- Provision of additional support to parents, either directly, in groups or through referral elsewhere. This could include support for parents who have no experience of caring for a young child and assisting parents who used to care for their children to cope with gaps in contact.
- Enabling parents on contact sessions to obtain photos or other record of the contact without infringing confidentiality
- Taking contact outdoors – activities and local places to go
- Provision of contact on weekdays and evenings
- How parents and children can be supported to progress contact independently including moving from supervised to supported to handovers
- Ways of managing handovers and also how to deal with children's anxiety during an handover
- Both supported contact taking place outside the centre and handovers raise issues that are not necessarily covered in training on centre-based contact. These processes are a vital part of enabling the parents to achieve a working relationship that doesn't require the contact centre, so "training for freedom" should be included alongside "in-centre training".
- Making contact work for different ages of children, ranging from babies to teenagers. Each age group has its own requirements and although most of the children in contact centres are likely to be fairly young, the centre should understand the needs of older children.
- Training on reporting should include reporting on all forms of contact, not just supervised contact. Some contact centres already do this and they should all provide this service.

14 Do you agree/disagree with the proposed process for monitoring of training requirements?

Disagree

Why did you select your answer?:

Monitoring the training provision within a relatively complicated setup with a small core of permanent staff, many sessional or part-time staff and a significant number of volunteers is likely to be difficult. The monitoring should go beyond merely ticking off training course records, but need not extend to testing all staff and volunteers on their understanding of all training issues.

It requires an informed and sensitive approach, and should be linked with the actual training provision, so that the person conducting the monitoring actually understands the important factors within the training.

It might be better to establish some form of recording of assessments within training courses, so that a centre can document that the people who have been trained can demonstrate understanding of the topic rather than just attendance at a training session.

In online training review questions are used to assess understanding during the session and these are easily recorded. Only a limited part of the training should be carried out online.

There is also an issue about repeat training. Some centres are likely to have long-established staff and volunteers who may not be very receptive to having to repeat training topics every few years. The challenge here is to provide an alternative which either covers new ground or is based in practice-development and problem-solving to develop existing skills rather than just going over the same ground time and again.

#### Part 4: Complaints procedures

15 Do you agree/disagree with the proposed process for raising complaints against a child contact service?

Disagree

Why did you select your answer?:

We disagree with the presumption that the Care Inspectorate is the most appropriate body to handle complaints once they have been considered by the contact centre. Relationships Scotland or another umbrella body could provide the second tier in a complaints process, but there would need to be a top-level body above them – possibly OSCR.

Relationships Scotland already has knowledge of contact centre issues, whereas the Care Inspectorate would have to learn from scratch and maintain that understanding. The organisation that takes on the complaint handling and investigation responsibility will have to build into its responsibilities greater transparency than the existing systems. It should have some independent members other than senior staff members and should have a system of publicly-accessible reporting of its adjudications.

It has to be recognised that contact centres are often caught in the middle of a high-conflict parental dispute, and complaints may arise as spin—offs from this struggle .

16 Do you agree/disagree with the proposed process for raising complaints against individual members of staff and volunteers?

Disagree

Why did you select your answer?:

Although the initial investigation of the complaint against a staff member should be handled locally, it is vital that it can be re-considered at a more remote level if the initial complainer isn't satisfied. Given the close-knit nature of many of the local services, it can be hard to maintain impartiality when handling complaints at a local level.

17 Do you have any suggestions on how guidance on complaints procedures should be made accessible to children using child contact centre services?

Yes

If yes, please outline these suggestions:

Guidance should be written in plain language. This will help to make it accessible to children and adults.

18 Do you agree/disagree with the proposed process for a child contact centre raising complaints against the regulatory body?

Disagree

Why did you select your answer?:

If the regulatory body is not the Care Inspectorate there is a need for a higher-level body to consider complaints.

19 Should the right to appeal by a child contact centre of a decision made by the regulatory body be to the sheriff court?

Don't know

Why did you select your answer?:

It is difficult to be definitive without knowing what the nature of the decision might be – from those that might involve closure of a facility and dismissal of staff/volunteers to infractions of management obligations. While appeals to the sheriff court should be possible it would be desirable to include a mediation or arbitration stage in any such complaint in order to reduce costs and obtain speedy decisions.

#### Part 5: Conclusion

20 As we continue to develop these policy proposals and work to understand their potential impact, do you have any comments about, or evidence relevant to, any of the following:

20a - Draft Business and Regulatory Impact Assessment:

Yes

20a - Draft Child's Rights and Wellbeing Impact Assessment:

Yes

20a - Draft Data Protection Impact Assessment:

No

20a - Draft Equality Impact Assessment:

Yes

20a - Draft Fairer Scotland Duty Assessment:

Yes

20a - Draft Island Communities Impact Assessment:

Yes

If you have answered yes please provide your comments.:

The draft BRIA mentions the objective for child contact centres to "remain safe locations for children to have contact with a parent or other family member and that children will be protected when they are referred to a child contact centre.

The aim is that by establishing minimum standards the best interests of children remain at the centre of contact cases and that the best outcomes for children using child contact centres will be achieved."

The Children (Scotland) Act brings in a strengthened statement that: "When considering the child's welfare, the court is to have regard to any risk of prejudice to the child's welfare that delay in proceedings would pose" (S30)

We would suggest that there is an additional factor to be considered in any changes – the need for avoiding delay in court proceedings caused by lack of capacity or other factors in arranging court-ordered child contact in a contact centre. This puts an obligation on Scottish Government to seek to avoid creating additional delays in operation of child contact centres and also to maintain and hopefully extend the provision of child contact centres across Scotland. By intervening on the regulation and oversight of this service the Scottish Government has assumed a responsibility to ensure that it is maintained at adequate levels and avoid the risk to the child's welfare caused by delays in court proceedings caused by contact centre operation.

Regarding the discussion at 3.3 about the 'do nothing' option, we support the regulation of contact centres, but are extremely concerned that the higher costs, increased workload and tighter specifications on the premises will lead to a significant reduction on Scottish contact centre provision at a time when there are already severe backlogs caused by COVID changes.

Contact centre providers will require a significant amount of financial support to avoid this risk of service reduction and this support should be available long-term to enable them to make significant changes without the worry that they will be unaffordable in a few year's time.

The changes to regulation and oversight should only take place if they are accompanied by cast-iron guarantees that contact services will be given permanent financial support to make the necessary changes and maintain these standards.

In the section on sex equality in the draft Equality Impact Assessment, the statement "Gender-based violence could mean that a female child contact centre user may not feel comfortable with a male member of staff" is made. This statement equates service provision with risk in an unsupported fashion, and also neglects to consider whether male service users could have similar concerns.

There should also be mention of the lack of male staff and volunteers in contact centres and support for measures to encourage men to become involved in this way.

In the draft Fairer Scotland Duty Assessment:

The cost of using a contact centre is significant and therefore has an impact on parents who are unemployed or on low income. Although legal aid can sometimes be obtained to pay these costs, this does not help unrepresented parents or those whose income or assets are just above the legal aid threshold. A more comprehensive system of support for low income parents should be considered, including support for travel costs.

In the draft Islands Impact Assessment:

As noted in comments on the BRIA, the provision of contact centres serving all Island communities should be a priority of Scottish Government. At present there are large gaps in the provision of contact centres affecting many islands and also rural communities in various parts of Scotland. There is a significant disadvantage to children living in island communities.

21 Do you have any further comments?

Yes

If you have answered yes please provide your comments.:

Scottish contact centres have evolved over the last 30 years from a totally voluntary sector provision by a range of charities to this stage of official regulation, although they have always had to comply with relevant standards on issues such as child protection. At this turning point it is vital that an overall vision statement for the future provision of child contact is agreed, including consideration of the wider areas of family and parenting support that contact centres can provide.

This needs to look at the important support they can provide to children and parents who are experiencing significant problems, rather than just focussing on the nuts and bolts of building standards and training schedules.

Contact is about relationships not buildings, and standards should always bear this in mind. The quality of staff and volunteers is also very important, and this should be uppermost in the consideration of the regulatory body.

Contact centres are about more than arranging parental visits to their children, they are an opportunity to support both children and parents to deal positively with separation and gain the extra help they need to restore confidence and capacity with the view to making progress towards independent contact where possible.

The length of time a child remains seeing a parent in a contact centre should be monitored with that in mind. There has to be a point to the involvement of the contact centre.

Outdoor contact should be encouraged.

Contact centre staff should remain neutral and should avoid use of terminology such as "resident parent" which implies that one parent is in charge.

Contact centres could provide training for parents such as Parenting Apart. They can also offer services such as play therapy, consultation with children and other support for children in separated families.

Links between family sheriffs and contact centres in their area should be encouraged so that they understand what is available, what the waiting lists are and what the facilities are like. There should also be a clear indication to sheriffs of the costs payable by one or both parents for the use of contact centre services. Our experience is that some sheriffs are only dimly aware of such costs when making an order for supervised contact.

Often both parents get the wrong message when they see that children have anxiety before and after contact handovers. Support for parents should include explaining how children's divided loyalty can cause this distress, rather than it being due to the actions of either parent.

They also need to know how a parent seeing children in the centre can be supported at the end of the session – this can feel like a painful living bereavement and it shouldn't be ignored or dismissed. There is also the need to support a parent if the contact doesn't happen.

## About you

What is your name?

Name:

Ian Maxwell

What is your email address?

Email:

im@sharedparenting.scot

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Shared Parenting Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

## Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.: