

Child contact centre regulation feasibility study report

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Purpose of this paper

The purpose of this report is to determine the feasibility of the Care Inspectorate regulating child contact centres, and to make recommendations to Scottish Government.

1. Profile of services

Child contact centres have been in use in Scotland since 1998 as a means of providing safe venues for conflict-free contact between children, parents, and other people in the child's life. They are currently unregulated. Contact centres offer a mixture of supported and supervised contact. Supported contact is where there is no significant risk to the child. Supported contact is managed differently depending on the individual centre. Some centres will have more than one family attending the centre at a time, with staff there to observe and support as required. Some centres have paid staff whilst others use volunteers with one paid member of staff managing the centre overall. The only record made for supported contact is if it has happened or not; details of how it went are not recorded.

Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved. Supervised contact requires a record of the contact to be sent to the sheriff, and this is taken into account when further decisions are being made regarding future contact. There is a view that the quality of recording varies, so work could be undertaken to look at consistency of detail within these records. In most centres, staff responsible for supervised contact will have had additional training and will be recognised as being experienced to deliver supervised contact. How supervised contact is managed is variable. For instance, a centre might only have supervised contact on a Sunday as these sessions are attended by only one family at a time and three or four sessions may be accommodated in the one day. Contact centres also provide a handover service where one parent drops the child off to be picked up by the other parent. This means that the parents do not have to see each other during the handover.

There are currently 42 contact centres across Scotland that are managed by Relationships Scotland (RS). In addition, there are three independent centres in Aberdeen, Inverclyde and Glasgow (one uses two different premises). The majority of contact centres rely on volunteers however, there is a move towards permanent staff being employed in the larger centres. RS told us that they currently have 152 paid workers (including sessional staff) and 128 volunteers. Currently, the independent services have 12 paid staff and 24 volunteers across all three services. That means in total there are 316 staff. In 2017/18 the RS centres dealt with 3,412 adult clients and 1,947 child clients at their contact centres. This involved 3,275 supervised contact sessions (usually ordered by the court) and 8,800 supported contact sessions (requested by a court, solicitor, social work or self-referral). In addition, 6,074 handover sessions were facilitated.

2. Background and context to the study

Petition 01635 (Review of section 11 of the Children (Scotland) Act 1995, lodged by Emma McDonald on 9 January 2017) called on the Scottish Parliament to urge the Scottish Government to undertake a review of the current system and operation of child contact centres in Scotland, and raised an issue that there is no system of regulation and inspection of child contact centres. A review of regulation, quality control, standards and policy and procedures was called for.

Scottish Government responded to the petition by making a commitment to review the role of child contact centres and whether regulation was needed as part of the family justice modernisation strategy. A review of Part 1 of the Children (Scotland) Act 1995 and creation of a family modernisation strategy, ran from 15 May until 28 September 2019. Stakeholders (for example Families Need Fathers; Children and Young People's Commissioner Scotland; Relationships Scotland; Scottish Courts and Tribunals Service; Scottish Women's Aid; the ASSIST (Advocacy, Support, Safety, Information, Services Together) project; and Scottish Children Reporter's Administration) all indicated that there was strong support for external regulation of child contact centres. Points made included:

- the wide variety and inconsistency of provision across the country
- queries around the training of staff and recording of sessions
- that funding from Scottish Government would support services to achieve expected standards and provide staff training
- that regulation would promote minimum standards and ensure children's safety, but there was an anxiety around it resulting in the closure of some contact centres.

In June 2019, the committee agreed to close the petition on the basis that Scottish Government intended to introduce a Family Law Bill that was expected to address the issues raised. The policy intention was for all contact centres to be regulated from 2022/23, as this would: set minimum standards for the accommodation used by contact centres; lay down the training requirements for staff around key issues; and lay down a complaints procedure that individuals can use.

The Care Inspectorate Executive Group subsequently considered and approved a business case to undertake a feasibility study between 3 June and 3 December 2019 on introducing a scrutiny regime for regulating, inspecting and supporting improvement for child contact centres, considering:

- challenges and opportunities with regulating these services
- consultation with the services likely to be covered by any new inspection regime and other interested parties for example, the Scottish Social Services Council (SSSC)
- the scope of any proposed regulation and inspection regime
- the set up and recurring costs associated with introducing an inspection and improvement support regime for the inspection body and the sector

- the time necessary to plan and develop detailed regulation and inspection frameworks, and methodology prior to introducing any scrutiny approaches to the sector.

The Children (Scotland) Bill introduced in September 2019 has given Scottish Ministers the power to appoint a body to oversee the regulation of contact centres and to report on this on a regular basis. It is envisaged that the body appointed would need to be involved in:

- registering, refusing and revoking the registration of contact centres
- ensuring the qualifications and training of child contact centre staff, and accommodation of contact centres is addressed through regulatory activity
- carrying out inspections, supporting improvement, writing reports and carrying out other regulatory functions.

However, amendments would still be required to the Public Services Reform (Scotland) Act 2010 as our operating legislation to enable contact centres to be regulated by the Care Inspectorate (Schedule 12).

When considering the recommendations of this paper, account should also be taken of the findings of the recently published report of the Independent Care Review.

3. What happens elsewhere

The National Association of Child Contact Centres (NACCC) is the supporting membership body for 350 child contact centres and related services in England, Wales, Northern Ireland and Republic of Ireland. It is an established charity and company limited by guarantee. It has a board of trustees and a team of staff led by the chief executive. Parents can access centres directly as a self-referral, or are assisted to do so by their solicitor, Children and Family Court Advisory and Support Service (Cafcass) officer, social worker or other agency. NACCC has linked with RS to share good practice and deliver support as required. An endorsed accreditation process is used to ensure all members adhere to the NACCC national standards for either supported or supervised contact. The standards have been revised regularly through its independent standards board with input and approval from Cafcass. Judicial protocol issued by the president of the family division of the high court is also in place, which places a duty on courts to only make referrals to NACCC accredited centres when arranging contact orders. The NACCC standards currently only operate in private law settings; not services commissioned in the public sector. The NACCC national standards do not cover Scotland and there is currently no similar arrangement in place.

4. What we did

We contacted a broad range of stakeholders (see appendix 1), gathering their views to inform this feasibility study. We consulted staff within the Care Inspectorate to seek their views and gain an understanding of what staff knew about child contact centres. We used the information gathered to write this report, making recommendations to the Care Inspectorate Executive Group and Scottish Government.

Contact centres are required to handle challenging situations and work with vulnerable children. There is evidence to suggest that decisions made about contact are not always made in the best interest of the child (Article 3 of the UNCRC). For instance, parents told us that children were 'forced' to meet with non-resident parents resulting in a negative impact on the emotional wellbeing of children. This has been the result of pressure on staff to meet contact orders made by sheriffs. It was felt by some stakeholders that some sheriffs had a preference towards contact centres due to, for example, the style of report writing rather than choosing the contact centre most suitable to meet the individual needs of the family.

As part of the study, we wanted to give families, children, and young people a voice. A group of children and young people who meet regularly as a support group to discuss their experiences of contact gave us permission to include some of their views in the study. We made a clip of an interview undertaken with a parent and child currently using a contact centre. Here are some of the comments.

"The buildings can be a bit boring. They don't feel fun or natural places to be. More activities in the buildings would be good, and this would actually make it easier to have fun and interact with dads too."

"It would be good to have more age-specific areas in the contact centres to reflect different interests from different age groups."

"I go to the centre to see my Daddy... We have cuddles kisses and snuggles... We can read a book... I see the nice ladies there."

"It should be up to the child if contact is supervised or unsupervised. Staff shouldn't try and convince or persuade the children to see their dad. They're not throwing tantrums about contact – they have good reasons to not want to go."

"It would be really helpful to have one trusted person to speak to about how you feel about what's happening in the contact centre."

"It would be helpful to have someone to come into the contact with you if you wanted them to – this could be another family member, a support worker, even a teacher, but it needs to be someone you trust."

"The staff should be focused on the children in the contact centre, not the parents."

We have taken these comments into account in our summary of findings below.

5. Findings - Benefits of regulation

Premises – Having expected standards for the environment through a new inspection framework would support improved outcomes for children. Staff training around the environment and how to improve it to support children’s health and wellbeing would be of benefit in this regard.

Staff practice – Having expected standards for staff practice through a new quality improvement framework would support improvement in the experiences and outcomes for children. It would be of benefit for staff to understand current best practice and the impact of negative experiences on children’s emotional wellbeing; to be proficient at recording the contact and impact of this to enable them to report back to courts effectively; and ensure that visits are appropriate and having a positive impact on children’s safety, wellbeing and outcomes.

Staff training – Having expected standards for staff training through a new quality improvement framework would support improved experiences and outcomes for children. Training for both paid and voluntary staff in areas such as attachment theory, positive transitions, adverse childhood experiences, domestic violence, trauma, and brain development would develop the understanding of the impact of negative experiences on children’s health and wellbeing.

Staff registration – Registration of paid staff with the Scottish Social Services Council (SSSC) and a condition for them to attain a relevant qualification would support the improvement of skills and understanding of best practice in aspects relevant to the work of staff working in a child contact centre. In turn, this support should improve experiences and outcomes for children. Staff continued professional learning (CPL) can be influenced by regulation, and the impact of CPL can support improved outcomes for children.

Recording and reporting – Having expected standards for recording and reporting through a new quality improvement framework would support improved outcomes for children. This is currently variable across services and there is a need to review and develop a consistent approach to recording that will support decision making and reporting across the sector.

Personal planning – Having expected standards for personal planning through a new quality improvement framework would support improved outcomes for children. Services currently registered with the Care Inspectorate are required to have a ‘personal plan’ showing how the health, safety and wellbeing of each service user is met. Having a personal plan for each service user would ensure that there was, for example, a recorded risk assessment and plan for managing contact, taking account of individual needs; aspirations for good-quality experiences for children and parents, taking a holistic approach to support parents to work towards an amicable agreement where possible; and better links with agencies that can support families effectively to achieve a holistic approach. We need to commend the work that

contact centres do to support families and advocate for children; the relationships they develop with families are crucial to delivering positive outcomes for children.

Self-evaluation and improvement – Having expected standards for self-evaluation and improvement through a new quality improvement framework would support improved outcomes for children. The majority of contact services operate as members or associate members of Relationship Scotland. As a result, the delivery of the services is underpinned by policy, procedure and quality assurance systems and processes. Some services are aware of the need to develop and formalise self-evaluation that supports their improvement journey. We have signposted services to the Health and Social Care Standards. The document *My support, my life* (2017) will support services to reflect on the quality of experiences they deliver, and evaluate whether the service is tailored towards the needs, rights and choices of service users. The supporting improvement resources available on the Care Inspectorate Hub would also support services to use the Model for Improvement to implement their improvement journey. Improvement would be supported by inspectors and where needed, an improvement support adviser.

Public assurance and information – Regulation of services aligned to our statutory duty to further improvement would provide public assurance and support the delivery of high-quality experiences for people using services. A targeted, proportionate, intelligence-led and risk-based approach to inspection would enable the Care Inspectorate to focus more on poorly performing services. The development of a quality improvement framework would support improvement and quality of outcomes for children and develop continuity of experience, aiming to provide a relatively consistent approach so that parents know what to expect when using child contact centres. Inspection reports would inform choice for courts when making contact orders and ensure that only quality services are used to deliver child contact.

6. Findings – Risks posed by the introduction of regulation

Premises – Various types of premises are used for delivering contact, from daycare of children’s services, to buildings associated with faith bodies. On occasion, supervised contact has happened outdoors in the local community, so flexibility around the registration of some premises-based services might be required if the service has extended its provision to include outdoor space. The geographical placement of contact centres across Scotland may pose a challenge in this regard. Registration and the development of a scrutiny framework would enable this to be explored further. It is likely that some of the premises used as contact centres would fall far short of meeting the required standards and expectations of a quality improvement framework. Some will need financial support to make the necessary improvements. The Scottish Government has suggested that a one-off cost per contact centre in 2022/23 of meeting the new accommodation standards would be between £10,000 and £50,000 as some centres would require significant work and some would already meet expectations. It has estimated the total costs of meeting accommodation standards to be between £0.44 and £2.2m. Notwithstanding any financial support that might be available, there is still a significant risk that some premises would be unable or unwilling to adapt to meet the required standards resulting in the closure of some services.

Staff training - Training volunteer staff would bring new challenges to services, but by being creative and collegiate, ways could be found to ensure that volunteer staff are supported and encouraged to develop their skills, knowledge and understanding of current best practice. This would support delivering child contact that results in positive experiences for children and minimises anxieties for parents. Child contact centre voluntary and paid staff training would require to be funded to develop staff skills and understanding of current practice. It has been suggested to us that staff will require four days of training a year, at a cost of £400 per person per day for a training session (based on the average cost of a training course as advised by key stakeholders). As advised by Scottish Government, it is expected that this cost would commence in 2022/23 as centres aim to meet the training requirements. This cost would be a recurring cost, as staff training would be ongoing to ensure it remains current. If the assessment of four days of training each year is accurate, that would equate to 1,264 training days @ £400 per person per day. The total cost would be approximately £505,600 each year based on the figures provided to us. Notwithstanding the clear benefits that would arise from additional training and development opportunities for staff, there is a significant risk that some staff, particularly volunteers, might be unwilling to commit to this and that could create difficulties in terms of the sustainability of some services .

Staff registration - Individual paid staff that require to be registered with Scottish Social Services Council (SSSC) would have to pay an initial registration fee and an annual fee if they are required to be registered. Staff would possibly need to meet a condition of their SSSC registration by attaining a recognised qualification. There could be potential costs that may fall to individuals or services providing the contact centres for example, service registration fees as a result. As above, there is a

significant risk that some staff might be unwilling to commit to this and that could create difficulties in terms of the sustainability of some services.

Compliance - Stakeholders felt that although they agreed regulation would have a positive impact on the quality of outcomes for children, they did not want regulation to result in the closure of contact centres. A reduction of the numbers of contact centres would raise concerns in terms of complying with Article 3 of the United Convention on the Rights of the Child (UNCRC) due to the increasing numbers of places needed to support child contact. Each service registered would have to pay a registration fee as a one-off cost and an annual continuation fee. Details of full-cost recovery for fees can be provided by our finance team. There is real risk that the imposition of a regulatory regime may discourage some providers and lead to the closure of some services unable or unwilling to meet the required standards.

Care Inspectorate resource - Care Inspectorate staff would require training to develop their knowledge and understanding of the complexities of the delivery of child contact centres and the challenges around meeting the individual needs of children and their families. The completion of a survey by 41 inspection staff highlighted that they have a limited knowledge and understanding of the complexities of child contact centres. The Care Inspectorate would be required to recruit additional staff to support the regulation, scrutiny, assurance and improvement of contact centres and develop a bespoke quality improvement framework. The costs, including start-up and recurring costs, management costs, improvement support resource and staff to deal with complaints, would be considerable, and would require to be added to our core grant funding. The Care Inspectorate could not commit to this work on the basis of year-on-year funding with the uncertainty that brings when there would be a need to recruit staff on permanent contracts. There would need to be significant lead-in time and funding provided in order to enable the recruitment, training and development of staff, the development of processes, procedures and methodology prior to the implementation of a regulatory, scrutiny, assurance and improvement regime.

Note: Any scrutiny, assurance and improvement support regime could not sit in isolation from a body with responsibility for professional oversight of the contact centres, including the development of overarching guidance i.e. similar to the National Association of Child Contact Centres covering England, Wales, Northern Ireland and Republic of Ireland, but which does not extend to Scotland.

Recommendation 1 – Based on the above outlined benefits and risks, we recommend that child contact centres should be regulated.

Recommendation 2 - We recommend that Scottish Government considers making funding available to support the provision of child contact centre staff training, as provided for in the financial provisions of the Bill.

Recommendation 3 - We recommend that Scottish Government considers making funding available to support the development of child contact centre accommodation, as provided for in the financial provisions of the Bill.

Recommendation 4 – We recommend that the appointed body develops a bespoke quality improvement framework for the scrutiny of contact centres, subject to being fully resourced to do so.

Recommendation 5 - We recommend that Scottish Government considers appointing a professional oversight body for contact centres.

7. The scope of any proposed regulation and inspection regime

Evidence would suggest that there could be better outcomes for children and families using child contact centres, and regulation could support areas for improvement. The development of a new bespoke quality improvement framework and scrutiny regime would have an emphasis on experiences and outcomes; proportionate approaches in services that perform well; short inspection reports that would be made public; and a focus on improvement and quality. A quality improvement framework for inspection could focus on evaluating:

- experiences and personal outcomes
- the setting
- leadership and management
- staffing.

The primary purpose of the quality improvement framework would be to support child contact centres to self-evaluate and continuously improve their own performance. Inspectors would use the framework to provide independent assurance about the quality of the service and would help to support improvement.

If the Care Inspectorate were to undertake the development of the scrutiny framework and registration of these services, then in the first year (2022/23) all services would be inspected. Depending on the quality they would then be inspected taking a targeted, proportionate, intelligence-led and risk-based approach, in line with our developing approaches to scrutiny, assurance and improvement in other service types. It is the expectation of Scottish Government that services would be inspected a minimum of every three years; this has been considered as similar to daycare of children services although this may well change in terms of the development of our new business model.

The Care Inspectorate has a statutory duty to deal with complaints made to it about registered services. We would signpost service users to our complaints policy and expect that child contact centres would reference the role of the Care Inspectorate in complaint investigations and in their own complaints policy and procedure.

Recommendation 6 – Child contact centres have a fairly unique set up that is not currently within inspection teams' specialisms. Our children and young people inspection teams have a skill base that supports them to inspect services for looked after children. However, they do not have significant knowledge and understanding of current best practice to support positive outcomes for young children including, for example, play-based theories, and the impact of the environment and play experiences on outcomes for children.

Early learning and childcare inspection teams have a skill base that supports them to inspect services for younger children, including daycare of children services. Inspectors have a knowledge and understanding of current best practice to support positive outcomes for young children including, for example, adverse childhood experiences (ACEs), play based theories, and an understanding of the impact of the environment and play experiences on outcomes for children. Due to the anticipated

focus on quality of outcomes for young people, and the high percentage of young children who use child contact centres, we recommend that inspections be undertaken by early learning and childcare teams, should the Care Inspectorate become the appointed body.

The Care Inspectorate has a team that currently deals with complaints made regarding registered services. With training to develop a knowledge and understanding of child contact centres, the team could deal with complaints as required for all registered services. The same applies to the registration team with regards to registration of these services.

Recommendation 7 – Should the Care Inspectorate be appointed as the regulatory body for child contact centres, we recommend that suitable training is provided for registration, inspection and complaint staff to support an understanding of contact centres and the complex work undertaken by staff.

8. Impact of resources

Registration – Based on data we currently hold about how long it takes to complete registrations for different service types, we anticipate inspections of services of this type would equate to that of a combination of a daycare of children service and a support service. We anticipate that each inspection may require 50 hours.

Inspection – The Scottish Government has intimated that it wants each premises inspected in the first year to ensure that they are of good quality and meet expected standards. Through developing methodology, we would need to explore how we implement a proportionate approach in services that perform well, spreading inspections across the three-yearly scrutiny frequency cycle. Methodology and the number of whole-time equivalent staff would determine the hours for inspection, Travel time and the fact that the service type is unfamiliar have to be taken into account.

Complaints – Child contact is often a highly contentious and emotionally charged area with the potential to generate complaints well in excess of those that we receive for other children’s services. We would need to give very careful consideration to the resources we would require, including management oversight resource and travelling expenses to deal with complaints that would present different and new levels of complexity for the Care Inspectorate.

Improvement – Bringing improvement adviser support into the child contact centre work would give the opportunity for improvement methodology to be embedded right at the very start of the regulatory experience for these centres. The preliminary scoping of child contact centres has identified variation in practice, skills of staff, and physical environment, and the children and young people we spoke to have identified improvements that they would like to see. An improvement adviser working alongside inspectors could support robust self-evaluation, leading to the development of improvement plans, while supporting the sector to use improvement methodology to bring about sustained change. As the child contact centres will be new to regulation, scrutiny, assurance and improvement support, there will be an opportunity for the Care Inspectorate to support learning collaboratives, bringing centres together to share good practice and supporting each other with areas of improvement. This way of working is represented in the Care Inspectorate’s new business model, with scrutiny and assurance, and improvement support teams working together to use scrutiny evidence to drive improvement across the social care and early learning landscape. Alternately, additional improvement work could be undertaken by inspectors if increased inspector resource was deployed to facilitate this.

Resources - We will quickly provide a comprehensive breakdown of the resources required if Scottish Government decides to proceed with a regulatory framework that comprises scrutiny, assurance and improvement support and it asks the Care Inspectorate to undertake that with the principle around funding to core grant agreed in advance (see Care Inspectorate resource - page 8).

Conclusion and recommendations

Our study of the feasibility of regulation of child contact centres has enabled us to conclude that there are opportunities to affect change through regulation. The benefits as detailed in this report would be:

- improvements to the standards of premises
- increased assurance of staff practice through SSSC registration
- more comprehensive provision of staff training
- more consistent expectations for recording and reporting
- requirements for the provision of personal plans
- promotion of high-quality self-evaluation and improvement
- public assurance and information.

There will, however, be some significant risks and challenges that will need to be considered should a decision be made to regulate child contact services. The risks as detailed in this report, would be:

- limitations of existing and available premises
- cost implications for services (in relation to premises, staff training, SSSC registration, and service registration fees)
- complexities around providing training for volunteers
- potential closure of services that do not meet expectations
- staff knowledge, recruitment, and development of a framework required by the appointed body
- the significant risk that some services may close and some staff may leave if subject to a scrutiny regime as proposed.

Having a holistic approach to regulating these services, which impact on children's lives, would minimise trauma and adverse childhood experiences. Positive experiences would support children's health and wellbeing, enabling them to achieve their potential.

Recommendation 1 – We recommend that child contact centres should be regulated.

Recommendation 2 - We recommend that Scottish Government considers making funding available to support the provision of child contact centre staff training, as provided for in the financial provisions of the Bill.

Recommendation 3 - We recommend that Scottish Government considers making funding available to support the development of child contact centre accommodation, as provided for in the financial provisions of the Bill.

Recommendation 4 – We recommend that the appointed body develops a bespoke quality improvement framework for the scrutiny of contact centres, subject to being resourced to do so.

Recommendation 5 - We recommend that Scottish Government considers the appointment of a professional oversight body for contact centres.

Recommendation 6 – Should the Care Inspectorate be appointed as the regulatory body for child contact centres, we recommend that inspections be undertaken by early learning and childcare teams.

Recommendation 7 – Should the Care Inspectorate be appointed as the regulatory body for child contact centres, we recommend that suitable training is provided for registration, inspection and complaint staff.

Appendix 1 - List of stakeholders that were consulted as part of the Child Contact Centre Feasibility Project

National Association of Child Contact Centres (NACCC)
Children and Family Court Advisory and Support Service (Cafcass)
Scottish Government (Legal team)
VSA Aberdeen
Inverclyde Family Contact Centre
Promoting Positive Contact
Relationships Scotland – Avenue (Aberdeenshire and Moray), Inverness, Dundee
Angus and Perth, Family Mediation Central, Highland Family Mediation, Argyll and
Bute, South Lanarkshire.
Families Need Father's Scotland
Scottish Women's Aid
Glasgow Women's Aid
Siblings Reunited (STAR)
Children and Young Peoples Commissioner Scotland
Scottish Courts and Tribunal Service
Scottish Legal Aid Board
Angus Council
Scottish Borders Council
Dundee City Council
Highland Council
Dumfries and Galloway
Glasgow City Council

We consulted with our contact centre staff, parents and children using an online survey. We consulted Care Inspectorate staff through an online survey and chatted with staff who had experience of child contact centres.

We met with a group of parents whose children have experienced child contact centres. We heard about the experiences of two parents who contacted us directly about the challenges they found using contact centres. We were given permission from a group of children and young people to use their comments in our report. Members of the group 'Yello' meet regularly to support one another and discuss their experience of using contact centres. We interviewed a parent and child at their child contact centre and produced a short clip capturing their views about their experience.

We are grateful for the support of Care Inspectorate and Scottish Social Services Council (SSSC) colleagues who supported this project. They include:

Senior management team
Legal team
Internal and external communications team
Policy and development
Improvement support
Registration team managers
Acting Director of Regulation (SSSC)

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