

CRWIA – Stage 3

CRWIA title: Temporary closure of child contact centres at level 4 for in person contact Date of publication: 15 January 2021	
Executive summary	<p>In response to rising COVID-19 cases and a more transmissible variant, the following policy is to be provided for in the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No.12) Regulations 2021.</p> <ul style="list-style-type: none"> ➤ Child contact centres are to be required to close at level 4, with the exception of child contact centres provided by local authorities, ➤ Child contact centres may remain open for the purpose of handover services which may take place either indoors or outdoors. Revised guidance will say that where possible handovers should take place outdoors.
Background	<p>The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the first regulations”), to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. They came into force on Thursday 26 March 2020.</p> <p>The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 came into force on 14 September 2020 and revoked and replaced the first regulations. They make provision which is substantially similar to the first regulations, as amended at the date on which they were revoked.</p> <p>On 9 October 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Restrictions) Regulations 2020 (“the additional temporary restrictions”) set out additional restrictions, both nationally and specific to the central belt. These regulations suspended the effect of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 while the additional temporary restriction regulations were in force. The additional temporary restriction regulations were due to expire on 26 October but were extended by amendment until 6.00 am on 2 November to allow for consultation on the levels-based approach.</p> <p>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 implement the new Strategic Framework and came into effect on 2 November. These regulations revoke the additional temporary restrictions regulations and the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020.</p> <p>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No.12) Regulations 2021, within which this policy in relation to contact centres is to be provided for, will be the 12th amending instrument to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 and will come into force on Saturday 16 January 2021.</p> <p><i>Scotland's Strategic Framework</i></p> <p>Decision-making under the new Strategic Framework system is intended to be more straightforward and transparent than it has been previously. It builds on existing structures and processes, will be informed by clinical advisers and</p>

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	<p>evidence, and will continue the engagement with local leadership as decisions to move up and down levels are taken.</p> <p>Decisions will continue to be made by Ministers, with input from relevant advisers, as implementing the restrictions outlined in the levels is the exercise of a statutory power for the protection of public health, for which Ministers are responsible and accountable.</p> <p>Regular reviews of the levels system will take place and as soon as Ministers consider that any restriction or requirement is no longer necessary to prevent, protect against, control or provide a public health response to the spread of COVID-19, they must revoke that restriction or requirement.</p> <p><i>Child contact centres</i></p> <p>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No.12) Regulations 2021 make provision in relation to child contact centres in Level 4 areas.</p> <p>Child contact centres are venues for conflict-free contact between children, parents and other people in the child's life. They offer a mixture of supported and supervised contact. Supported contact is where centres only provide the facilities for the contact session and record that the contact took place, but not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved. Details may be reported back to the court. Child contact centres also facilitate handovers of children between parents where parents are unable to see each other.</p> <p>No supervised or supported contact will be able to take place at a child contact centre (except where the centre is provided by a local authority) while the level 4 restrictions to be implemented by these regulations are in place. Handovers of children will however still be able to take place. Handovers are encouraged to take place outdoors but may take place indoors if it would not be safe for this to happen outdoors.</p>
<p>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>The CRWIA considers whether the provisions to require child contact centres to close at level 4 (with exceptions for local authority child contact centres and handover services) impacts upon the rights and wellbeing of children and young people in Scotland.</p> <p>The Scottish Government considered data from Relationships Scotland and the three independent child contact centres when considering the impact of this policy on children and young people.</p>
<p>Children and young people's views and experiences</p>	<p>There has been no direct engagement with children and young people given the need to act quickly. However, the Scottish Government has consulted with Relationships Scotland, Promoting Positive Contact, Inverclyde Family Contact Centre, Shared Parenting Scotland and Scottish Women's Aid.</p> <p>In relation to child contact centres provided by local authorities the Scottish Government has engaged with Social Work Scotland the Scottish Children's Reporter Administration, Children's Hearings Scotland, Who? Cares Scotland, Scottish Association of Social Work. We have also engaged with local authorities through their representatives at Social Work Scotland.</p> <p>The Scottish Government will review these proposed new restrictions. To help inform this review, we will hold discussions with child contact centre providers</p>

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	and other relevant stakeholders. We would seek to include the views of children in this review.			
Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing	<p>The Scottish Government found that the policy may have a negative impact on some children's right to maintain contact with their parents. However, this is balanced against the need to reduce interactions between households and manage the risks of transmission of Covid19.</p> <p>In addition, the Scottish Government has revised guidance for child contact centres to encourage them where possible to facilitate contact between a child and their parent virtually if this is not possible in person. This aims to ensure that any virtual contact remains safe for the child and also both parent.</p> <p>The Scottish Government also has made provision to allow child contact centres to remain open for handovers. This will ensure that handovers can occur in a safe manner and that children are protected. Handovers are encourage to take place outdoors where possible but can take place indoors if it is not safe to do so outdoors.</p> <p>Provision has also been made for child contact centres provided by local authorities to be allowed to remain open. This is because they facilitate contact for looked after children, as well as children with multi-agency Child's Plans, children who are in receipt of Social Work support and who have a court order mandating contact with a looked after child. It is intended that child contact centres provided by local authorities continue to operate in order to protect the wellbeing of the children in this vulnerable group.</p>			
Monitoring and review	The Scottish Government will review these proposed new restrictions. To help inform this review, we will hold discussions with child contact centre providers and other relevant stakeholders. We would seek to include the views of children in this review.			
Regulation	Aims of measure	Likely to impact on .	Compliance with UNCRC requirements	Contribution to local duties to safeguard, support and promote child wellbeing
Regulation 8(a), (b) & (c) of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No.12) Regulations 2021	To close child contact centres (with the exception of local authority contact centres) for contact but to allow them to remain open for handovers.	Children where alternative forms of contact, such as virtually, will be harder to facilitate. This will include younger children, who may not be able to engage with contact virtually, and children who do not have technology available to them for virtual	Articles 7 and 9 of the UNCRC, namely the child's right to know and be cared for by their parents and the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis. A child contact centre may be the only way a child can safely have contact with one of their parents.	<p>The following wellbeing indicators are relevant:</p> <p>Healthy: the policy is necessary to reduce the spread of coronavirus among children and young people, and in turn the wider population, in particular given the unknown risk of children spreading the increasingly prevalent new strain of the virus. Whilst child contact centres have been operating with additional hygiene and physical distancing measures, the risk remains that multiple</p>

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		<p>contact.</p> <p>Younger children as data shows that the majority of contact facilitated by a contact centre is for younger children.</p> <p>Figures from Relationships Scotland whose member services run 42 of the 45 child contact centres showed that in 2018/19 65% of children using the service were 0-4 years old, 24% were 5-8 years old, 8% were 9-12 years old, and 3% were 13-16 years old. In addition, very young children are less likely to be able to maintain contact virtually if in person contact is suspended.</p>	<p>However, in guidance for child contact centres the Scottish Government encourages child contact centres to facilitate virtual contact between a child and their parent if in person contact is not possible.</p> <p>Article 19 is relevant as child contact centres are safe venues for conflict free contact between children, parents and other people in the child's life. The policy is for handovers to be able to continue either outside or where this is not safe inside. This would mean that a child is able to safely be moved from one parent to another.</p> <p>Article 24 is relevant (namely, the right to the best possible health) as the intention of the policy is to manage the coronavirus-related health risks of child contact centres and reduce the spread of coronavirus among children and young people, and in turn the wider population, in particular given the unknown risk of children spreading the</p>	<p>families, staff and volunteers are mixing when they are in attendance at the centre at the same time. The closure of child contact centres is considered necessary to manage these risks and minimise the risk of spread of the virus in this sector.</p> <p>Safe: the policy is to ensure that whilst child contact centres are closed for contact they can still facilitate handovers between a parent and a child in a safe manner. This may mean a handover has to take place indoors with appropriate mitigations rather than outdoors.</p> <p>Nurtured: the policy provides for child contact centres which are provided by local authorities to remain open. This will allow for contact services to continue for looked after children, as well as other groups of children who use these centres, such as children with multi-agency Child's Plans, children who are in receipt of Social Work support and who have a court order mandating contact with a looked after child. This policy will protect the wellbeing of these groups.</p>
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CRWIA Declaration				
Authorisation				
Policy lead		Date		
Hannah Frodsham Family Law Unit Civil Law & Legal System Justice Directorate		13/01/2021		
Deputy Director or equivalent		Date		
Denise Swanson Civil Law & Legal System Justice Directorate		13/01/2021		