



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01838

Name of petitioner

Martin Baker and Katherine Bailey

Petition title

Regulation of non-statutory child advocacy services

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure that non-statutory child advocacy services are properly regulated to ensure competence, transparency and accountability.

Action taken to resolve issues of concern before submitting the petition

We have contacted Christine Grahame MSP who raised our concerns with Humza Yousaf MSP, Cabinet Secretary for Justice.

Petition background information

We believe any non-statutory child advocacy services that engage with a child who is involved in court proceedings, specifically those who may be made subject to an order under section 11(1) of the Children (Scotland) Act, must be regulated.

Section 11(1) of the Children (Scotland) Act relates to parental responsibilities of a child and allows for an order to be made depriving a person of some or all of their parental responsibilities or parental rights in relation to a child. The intervention of a child advocacy service can cause devastating emotional and wellbeing effects. Many have been the victim of unregulated and unaccountable interference in family life, often on the basis of unfounded or entirely false allegations.

Not many parents can afford to take their case to court. For those who have, Sheriff's judgements have included findings in facts such as:

• "Mr X had never kept the children against their will and returned the children from contact when they wished to be with Ms Y. Mr X had never taken them other than at contact times. There were no threats that he would do so. There were no reasonable grounds for installing a panic alarm. There was no reasonable fear of abduction. The alarm would suggest to the children that their father posed a threat of physical harm. That was unjustified."

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- . "The children were given a certificate signed by themselves and the worker and Ms Y setting out and reinforcing strategies for the approach of Mr X which included hiding in a safe place and calling 999. There were plans put in place for approach by Mr X in the street about running to a friend's house. These plans and practices of what was in these plans would suggest to the children that their father posed a physical threat to them. There was no such threat. The plans were unjustified."*
- . "The children have become alienated from their father. The unnecessary and inappropriate involvement of agencies who operated as if this was a case where the children required to be protected from physical abuse took the alienation to a new level including fear."*

We believe child advocacy services approach their work from inherently prejudiced assumptions. It is often only by accident that an affected parent discovers they have become involved or how often child advocacy services are interacting alone with a child. Child advocacy services refuse to communicate with the affected parent or set out what the allegations are. We believe this engages ECHR Article 6 rights to a fair hearing.

Child advocacy services have no independent accountability, instead relying on supervision from a structure of overlapping agencies and individuals who are known to each other and, we believe, share the same assumptions. At best, we believe, without independence of mind, they may facilitate manipulation of one parent against the other. At worst they may be complicit in coercive control as set out in the 2018 Domestic Abuse Act. Regulation would not inhibit genuine effort to support children who have experienced or witnessed domestic abuse.

This is not a minor point involving only a few parents and children. In his report [False allegations of child abuse in contested family law cases: The implications for psychological practice](#), Professor Tommy MacKay found three quarters of the allegations to be unfounded for a variety of reasons.

The Children (Scotland) Bill will create a regulatory body to oversee the qualifications, performance and fitness of Child Welfare Reporters to interview children. Police officers and social workers who undertake joint investigative interviewing of children in criminal cases have mandatory explicit training to ensure they do not lead or taint children's evidence. It will be a major gap in child protection if self-appointed child advocacy services can operate below the radar and without identical or equivalent standards of regulation to ensure transparency and accountability.

In the UK Supreme Court decision in the case of [Principal Reporter v K \(Appellant\) and others \(Scotland\)](#), Lady Hale stated "No child should be brought up to believe that she has been abused if in fact she has not, any more than any child should be persuaded by the adult world that she has not been abused when in fact she has."

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01838>

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