

**PE1838/B**

Petitioner submission of 6 January 2021

Children should have a good start in life and a safe, healthy and happy childhood. Currently, advocacy services may assume and assert that they are acting in a child's best interests. However, when they act on false allegations and get involved inappropriately, the work they undertake often leads to irreparable damage to that child and their family relationships. Causing a child to fear and reject a safe, loving parent is a breach of that child's rights under the United Nations Convention on the Rights of the Child. This should be a matter of utmost concern.

We are somewhat disappointed by the Minister's passive response to the significant equalities and human rights issues raised in our petition. In particular the present situation in which some child advocacy services operate beyond transparency, accountability or scrutiny raises issues of the right to a fair hearing and right to family life.

We trust the Petitions Committee will take a more enquiring approach to the issues we raise.

First, our petition refers to 'non-statutory child advocacy services'. We feel the Minister's worry about needing to regulate family members and friends is a red herring. We are not experienced in drafting legislation but do not feel it would be a major challenge to provide a definition of 'services' that covers paid employees or volunteer staff of organisations which offer child advocacy services that involve unsupervised face to face contact with children. That would leave out grandparents, neighbours etc. We would of course be willing to engage with parliamentary drafters at that stage.

We are aware that some child advocacy workers meet alone with children, often within their home or in premises such as schools. At this point it is not even clear whether all such workers are PVG cleared or even have their identity or their qualifications checked.

Secondly, we take responsibility for possibly misdirecting the Committee by quoting from a sheriff's proof judgment. The point for the Committee to note is that very few such cases ever get to proof and therefore subject the activities of unregulated 'child advocacy services' to testing within the rules of evidence given under oath. We wanted the Committee to see what happens when the evidence is tested but that happens vanishingly rarely.

However, non-statutory child advocacy services are involved in many more cases across Scotland. A sheriff may not necessarily be aware at all of the interaction they have had with the children in unregulated, non-transparent circumstances. Under the Children (Scotland) Act 2020 Sheriffs are enjoined to give increasing weight to the views of children but without knowing whether those views are being unduly influenced by unnamed unregulated, unreported child advocacy workers.

We feel Parliament and the government should at least express curiosity about the extent of the issue we are drawing to their attention given the rigorous approach to

Joint Investigative Interviewing of children already in place and the imminent regulation of Child Welfare Reporters.

We hope the Committee will continue our petition for further evidence