

Citizen Participation and Public Petitions Committee

3rd Meeting, 2021 (Session 6), Wednesday 8
September 2021

PE1838: Regulation of non-statutory child
advocacy services

Note by the Clerk

PE1838: Lodged 16 December 2020

Petitioners Martin Baker and Katherine Bailey

**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.

Webpage <https://petitions.parliament.scot/petitions/PE1838>

Introduction

1. The Session 5 Public Petitions Committee (PPC) last considered this petition at its meeting on [10 March 2021](#). At that meeting, the PPC agreed to continue this petition and include it in its legacy paper for the Session 6 successor committee, along with a suggestion to write to the relevant Minister to seek a response on whether the Scottish Government will undertake the work necessary to introduce legislation to regulate non-statutory child advocacy services.

Committee consideration

2. Including its last consideration, the PPC considered this petition twice and received 14 written submissions.
3. In her [written submission of 1 December 2020](#), the then Minister for Community Safety stated that any regulation of child advocacy services would require a full consultation and primary legislation. In which, the scope for and efficacy of regulation may be limited as child advocacy services are not only provided by organisations or persons acting in a professional capacity. In the event that

regulation was implemented, consideration would be required as to how it is enforced with persons supporting in the capacity of a relative, for example.

4. In response, the petitioner questioned whether the definition of 'services' under any legislation could be outlined to cover paid employees or volunteer staff of organisations which offer such services.
5. The SPICe briefing notes that, the [Children's Hearings Advocacy Expert Reference Group](#) was set up in 2019 to "advise Ministers on arrangements to work with us to establish and develop a sustainable model of advocacy to deliver on section 122 of the Children's Hearings (Scotland) Act 2011."
6. Secondary legislation ([The Children's Hearings \(Scotland\) Act 2011 \(Children's Advocacy Services\) Regulations 2020](#)) came into force on 21 November 2020 setting out requirements as to qualifications, training and fees for children's advocacy services.
7. On the issue of child advocacy services being provided for, the Scottish Government has [contracted ten third sector advocacy providers](#) to provide services for children and young people.
8. The [Children \(Scotland\) Act 2020](#), under section 21, requires Scottish Ministers to make such provisions as they consider necessary and sufficient to ensure that all children concerned in relevant proceedings have access to appropriate child advocacy services.
9. At its [meeting on 13 January 2021](#), the PPC agreed to write to the Minister for Community Safety and key stakeholders. The following responses were received:
 - [Minister for Community Safety](#)
 - [the Children and Young People's Commissioner Scotland](#)
 - [Who Cares? Scotland](#)
10. During its consideration, the PPC requested details as to whether non-satutory advocacy workers are required to join the Protecting Vulnerable Groups (PVG) Scheme. In her [response](#), the Minister for Community Safety outlined that There is nothing in the enabling legislation, the Protection of Vulnerable Groups (Scotland) Act 2007 (the 2007 Act) that requires scheme membership as a condition of doing regulated work with children and / or adults. It is, however, an offence for an organisation offering regulated work to offer that type of work to an individual who is barred, and as a result most organisations do carry out PVG checks as part of their recruitment practice.

Action

11. The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe

The Scottish Parliament launched a new website at the end of Session 5.

All written submissions received on the petition before May 2021 can be viewed on the petition on the [archive webpage](#). Written submissions received on the petition after May 2021 can be viewed on its [new webpage](#).