

Protecting Children: Review of section 12 of the Children and Young Persons (Scotland) Act 1937 and section 42 of the Sexual Offences (Scotland) Act 2009

About Connect

Connect is a long-standing independent parents' group and a registered charity which provides support to parents and carers all over Scotland. We provide membership services to individual Parent Councils and PTAs, as well as offering advice and information to individual parents who have concerns about any aspect of the education of their child, or the wider education system. We support education professionals in developing their skills and understanding around effective partnership working with families and the wider community.

As an organisation with a unique focus on parents and families, and the unique role of parents and carers in the lives of children, we are interested in this consultation as it relates directly to the relationship between state and family.

Our Response

We recognise the need to update the language of the 1937 Act to fit our modern day context. However, we are concerned the potential consequences of making changes to these laws have not been given suitable consideration, particularly for vulnerable parents.

Aberlour Children's Charity estimates that currently between 40 and 60 percent of parents with learning disabilities will have their children taken into care having been assessed as unable to meet "an adequate standard of parenting."¹

The consultation paper states that it does "not think it is likely" a vulnerable parent or carer who has taken all "reasonable steps to access the support of relevant services to help overcome difficulties" will be considered to have committed wilful ill-treatment or neglect under the proposed changes. However, this raises more questions:

What qualifies as "reasonable steps?" Will this take into account the difficulties many parents have accessing the supports they need? Social work and third sector support services have been the victims of austerity over the last ten years, often leading to no or wholly inadequate services and long waiting lists for even the most urgent cases. It cannot be denied that sometimes the state fails in its duties to support those who need it: are these parents to be criminalised for the state's failure?

The state has been demonstrated to be a poor parent, yet the number of children drawn into the system is increasing year on year. The proven direct link to poverty should cause Government to re-think its approaches to its policy and practice in this area.²

¹ <https://www.aberlour.org.uk/support-for-learning-disabled-parents/>

² <https://pure.hud.ac.uk/en/publications/looking-after-children-in-the-uk-convergence-or-divergence>

In short, we fear the proposed changes contradict the Scottish Government's policies which argue the importance of the role of the parent, while these changes could have the unintended consequences of criminalising more parents and pushing more children into the care system. Legislation changes cannot be made in isolation, but must be considered alongside a robust framework of support.

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