

East Lothian Council

FOI Ref: 2020/722456

Under the Freedom of Information (Scotland) Act 2002, please provide me with copies of correspondence between East Lothian Council and The Scottish Government concerning the Children (Equal Protection from Assault) (Scotland) Act, from May 2020 to September 2020 - including letters, emails and circulars.

Please also provide me with copies of internal documents relating to the Children (Equal Protection from Assault) (Scotland) Act from the same period, including training materials, emails, minutes from meetings, notes and memos.

Please refer to Appendix I overleaf for correspondence received from the Social Work Scotland sub group. Nothing else has been received or is held*.

Please note that when information is released as the result of a freedom of information request, or a request made under the Environmental Information Regulations 2004, it is technically released to the general public, and not just to the person or organisation making the information request. In view of this, and in order to comply with Data Protection legislation, it has been necessary to redact some third party data.

*Under Section 17(1)(b) of the Act, East Lothian Council has been unable to fully comply with your request as not all of the information you require is held.

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Appendix I

EQUAL PROTECTION update 28/8/20

- The [Children \(Equal Protection from Assault\) \(Scotland\) Act 2019](#) will remove the common law defence of “reasonable chastisement” from the law of Scotland on 7 November 2020. This means that from 7 November 2020, children will have the same legal protection from assault in Scotland as adults. The Act requires the Scottish Ministers to raise public awareness about the removal of the defence. Scottish Government have published information about the Act (<https://www.gov.scot/groups/children-equal-protection-from-assault-scotland-act-implementation-group/>) and created a factsheet for parents about the Act, including an Easy Read version (see attached) . These have been distributed via ParentClub and other organisations ([information](#)) [alongside a campaign coping with being a parent](#) and information about the Act integrated in [Ready Steady Baby materials](#). [REDACTED] has represented Social Work Scotland on the SG convened implementation group. [REDACTED] will follow on in that role from September. [Implementation Group](#).
- **A statement of principles** on the Act will follow. These are likely to stress that : where there is a notification of a concern which stems from or involves use of physical chastisement, existing child protection processes can be followed, including the relevant sections of the [National Child Protection Guidance](#) and local area procedures. When concerns fall short of the significant harm threshold, this must not stop the provision of proportionate coordinated support. Under current circumstances, attention is drawn to the Supplementary National Child Protection Guidance for Chief Officers, Chief Social Work Officers and Child Protection Committees on COVID-19 ([published](#).) It will be emphasised that acts of restraint and acts of physical chastisement are not the same.
- **Recorded police warnings and referrals to social work:** Police Scotland advise that any allegation of assault on a child may result in an entry on the vulnerable persons database. If appropriate, that information can then be shared with partner agencies, including Social Work, and existing Police Scotland processes on referrals to social work will apply. The nature of the disposal, including by recorded police warning, is not a factor in this process. Police Scotland have emphasised that the sharing of such information must be compliant with the duties in the Data Protection Act 2018 and GDPR.
- **Lord Advocate Guidelines:** When approved, these Guidelines are of a type that would not usually be published. It is for the Lord Advocate to make a final decision on publication. It is likely that COPFS will issue something that would be of use if they are not published in full.