

Social Justice Begins With Babies

The first annual report of Scotland's coalition supporting
Putting the Baby IN the Bath Water

November 2014

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The Scottish independence referendum and its aftermath have sparked a strong recommitment across the political spectrum to promoting social justice and reducing inequalities. Our coalition, launched in autumn 2013, fully endorses, and significantly contributes to creating, a fairer society. This includes taking seriously **in practice** the rights of all children of all ages. Social justice is a prerequisite for Scotland becoming 'the best place to grow up'.

Our coalition is built upon three realities:

- 1** Far too many babies and toddlers have their immediate wellbeing compromised (and their life chances diminished) by being 'dealt a bad hand' during the crucial developmental period from conception through age two. **Although later interventions can be very helpful, there is no second chance to make a good first impression on the brains, bodies and behaviours of babies and toddlers.**
- 2** Our society and systems remain too reactive – usually waiting until children have already been adversely affected and then rushing in to 'clean up the mess'. In 2011, the Christie Commission calculated that a huge amount of Scotland's resources - around 40% of all public expenditures - are spent dealing with problems that **could have been prevented**. This remains true today.
- 3** 'Closing the gap' – in terms of health outcomes, education attainment and other inequalities – is absolutely the right thing to do. **However, 'preventing the gap' from opening in the first place is the urgently needed new priority.** This requires dramatically increased investment in, and improved action during, the first 1,001 days of life (from pre-birth to pre-school).

This brief report describes the composition and work of our coalition; what has happened during our first year; and, our recommendations for the coming year.

Why we joined forces

In autumn 2013, it became evident there was a major discrepancy between the Scottish Government's case - called the Policy Memorandum - for its *Children and Young People (Scotland) Bill* and the actual legislation proposed. The Policy Memorandum made a strong case for **prevention** and for improving the **very earliest** years of life. But, the original Bill did not explicitly and powerfully reflect these priorities.

We thought the Scottish Government's case was excellent. So good, in fact, that it should be at the heart of this Bill. We submitted collective evidence at Stage One of the legislative process indicating how this could, and should, be done. We named our submission: *Putting the Baby IN the Bath Water*.

Who we are

Our coalition includes a remarkable range of respected organisations and distinguished individuals. The 98 signatories listed at the back of this report are among the leading experts in the most relevant fields. They also represent tens of thousands of people in communities throughout Scotland.

Our coalition focuses **exclusively** on two issues: the primary prevention of harm (i.e. keeping bad things from happening in the first place); and, the first 1,001 days of life (from pre-birth to preschool). We only recommend and support those actions upon which we collectively agree.

It is notable that no individual or organisational signatory left this coalition during its first year of existence (even after the Bill became an official Act of the Scottish Parliament early in 2014). In fact, new signatories are still becoming part of this “we”; and, the door continues to be open to additional allies.

We operate without paid staff or membership fees. Organisational and individual signatories have contributed what was needed, when it was needed, for our coalition to remain united and influential.

How we have been received

The *Children and Young People (Scotland) Act 2014* is different and better than the Bill originally introduced in 2013. Because the SNP had a disciplined majority within the Scottish Parliament, they had the votes all along to enact this Bill, as introduced, without any changes. They did not do so.

The fact that amendments to improve this Bill **were** considered and approved is a credit to all members of the Education and Culture Committee, and to Scottish Ministers (especially the Minister for Children and Young People). Some of our coalition’s ideas and recommendations were lodged/supported as amendments to this Bill on a strong **cross party** basis. Last, but not least, key parliamentary and Scottish Government staff members were very helpful to our coalition. This is evidence that prevention and the early years offer common ground that can be built upon across the usual political dividing lines.

Although there were frustrations, the signatories appreciated the extent to which *Putting the Baby IN the Bath Water* was recognised, respected and included in the deliberations leading to the enactment of this major children’s legislation. In particular, we welcomed the Ministerial commitments made at Stages Two and Three to work closely with us. We were offered the chance to influence the development of the relevant secondary legislation, regulation and statutory guidance that follows new legislation. This Ministerial commitment has largely been honoured as the C&YP Act moves toward implementation.

The difference we have made (so far)

Our influencing work has contributed to four positive results.

Firstly, the C&YP Act now contains a **statutory duty for all children's services plans to include a prevention element**. Such plans have very rarely included primary prevention. Part 3 of this Scotland-wide law means that prevention has moved from the 'nice to do' list to the 'have to do' list for local authorities and other relevant public bodies. Especially during a period of austerity, this is a crucial distinction and a significant step in the right direction.

Secondly, this Act was amended by adding: "Part 12 - Services to children at risk of becoming looked after, etc.". By explicitly beginning with pregnancy, the new section added a much more preventative, earliest years focus. Part 12 means that **prevention activities supporting expectant and existing mothers, fathers and other de facto parents are no longer just a good idea; instead, they are now embedded in Scots law**. It is one significant new way of honouring the fundamental importance of nurturing positive relationships between babies and their mothers, father and carers during those critical first 1,001 days.

Thirdly, the Scottish Government announced its commitment to add **500 new health visitors** to Scotland's early years workforce. This was a key recommendation advanced through *Putting the Baby IN the Bath Water*. These new health visitors will be phased-in over the next few years. Reducing the 'case load' for health visitors is a necessary first step toward the positive relationships that result in effective support.

Fourthly, Scottish Government officials have created opportunities for a wide variety of signatories to contribute to the detailed **development** of the C&YP Act's regulations and guidance. Once drafted, these will be put out for public consultation during the year ahead. Our collective expertise, advice and assistance have generally been welcomed and taken into account.

What we think still needs to be accomplished

The crucial work underway right now is to ensure that the C&YP Act's good intentions become equally good realities.

This will not automatically or inevitably happen. Coalition participants have extensive knowledge of, and experience with, seemingly clear and powerful laws and public duties (across the world, as well as at home) that have been misinterpreted, watered down, overlooked or otherwise rendered useless.

The job is not done until the C&YP Act's provisions are fully and properly implemented. We will know that has happened when there is convincing evidence that **all the intended beneficiaries are actually benefiting**. This requires eliminating inequalities, while enhancing the lives and life chances of all children and young people across Scotland; starting with their first 1,001 days.

Our coalition is committed to staying together for the long haul. We are ready, willing and able to advise and assist Scottish public bodies at the national, regional and local levels. We can especially help them accurately interpret and effectively communicate the meaning of the prevention and earliest years provisions within this new legislation - and other relevant laws and policies.

Of course, we know that no single law exists in isolation, or can change our society, single-handed. But, by acting as a 'critical friend' of the public sector, we will seek to ensure that whatever positive outcomes the C&YP Act **could** accomplish will, in fact, **be** accomplished.

What we recommend for the coming year ...and why

- 1** The prevention duty in all children's services planning becomes widely known, clearly understood and fully taken on board (*Part 3, C&YP Act*)
Because this new statutory duty cannot be allowed to disappear or just become 'words on paper'
- 2** Excellent secondary legislation is developed with aid from our coalition, improved by public consultation and then enacted (*Part 12, C&YP Act*)
Because this new opportunity to add relevant preventative services, from pregnancy through childhood, should be embraced and promoted in order to make the intended difference to children's lives
- 3** Planning be completed and the process be well underway for enhancing the roles/remit, recruitment, training/CPD, deployment and support for all early years health visitors
Because 500 more health visitors is a great start, but not sufficient until they have first-rate relationship-building skills, early child development knowledge and strong support
- 4** The existing Scots law creating a "justifiable assault" defence will be eliminated by an amendment to the *Criminal Justice (Scotland) Bill* that reflects Article 19 of the UN Convention on the Rights of the Child
Because there is no such thing as a "justifiable assault" upon a baby by an adult
- 5** The *Additional Support for Learning (Scotland) Act* be amended to allow all children having additional support needs "for whatever reason" to become fully eligible and covered from birth
Because delaying identification and assistance is bad policy, bad practice and a legal barrier to prevention that can only be eliminated by amending the ASL Act

We anticipate that other events or circumstances may arise during the next year to which we will want to respond as a coalition. The above items are our already-known and agreed priorities for our second year.

The 'take home' messages we want to share

Decreasing inequality and increasing social justice throughout our nation will be neither quick nor easy. However, there has not been a better time in modern Scottish history to pursue these goals or a better chance to reach them.

We know that existing inequalities are a root cause of babies and toddlers being dealt a bad hand (from which some are unlikely to fully recover). There is no doubt that eliminating poverty, homelessness, hopelessness and the other pernicious effects of social and economic injustice are urgently important for people of all ages. These major inequalities burdening Scotland must finally be overcome.

We also know that child maltreatment (which occurs most frequently among children **under** one year of age) and early childhood adversity are themselves a root cause of many of our worst societal problems. The enduring negative **consequences** of adverse childhood experiences can range from substance misuse, school failure and poor mental health to incarceration, dependence, violence, adult ill health and lower life expectancy.

It is rarely too late to provide help that improves the wellbeing of older children and young people. However, the evidence is clear that the later the intervention, the less effective and more costly it is likely to be for all concerned. Those experiencing toxic childhoods – at home and/or in their communities – need and deserve our very best efforts to help them. But, **protecting them from that initial harm, and preventing them from becoming damaged in the first place, is always preferable.**

The rhetorical support for such prevention should now be translated into a society-wide commitment to preventative action. Getting **relationships** right is a powerful place to begin. Encouraging and supporting (in real and practical ways) the strong, loving bond between all babies and their diverse mothers, fathers and/or carers is a winning strategy. Ensuring that every baby and toddler

across Scotland has at least one genuinely caring, competent adult consistently in her/his life should be a social justice priority for our nation.

Why? Because babies having that positive relationship are exponentially more likely to thrive throughout their lives than those deprived of that fundamental building block of human development. What happens (or fails to happen) during those first 1,001 days establishes a trajectory toward (or away from) sustainable wellbeing and equality. That trajectory can change, but a positive one from the start can only help. The crucial bond between a very young child and an adult is, in turn, affected (for better or worse) by the quality of relationships and care within that child's family, community and society.

Overwhelming international evidence from all the relevant fields has brightly illuminated the path Scotland should travel. It shows that **primary prevention coupled with robust, effective support for mothers, fathers and/or carers during the first 1,001 days offer the best chance to break the cycle of inequality.** Thus, both the evidence and our experience tell us that social justice begins with babies.

Please join us in this collective effort to do all that is necessary to give babies and toddlers the best possible start in life. Brilliant beginnings are what will help Scotland really become 'the best place to grow up'.

Organisational Signatories

	Aberlour		Parenting Across Scotland
	Action for Children		Parent Network Scotland
	Action for Sick Children (Scotland)		Quarriers
	Alcohol Focus Scotland		Queen's Nursing Institute Scotland (QNIS)
	ASH Scotland		Relationships Scotland
	Barnardo's Scotland		Royal College of General Practitioners (RCGP)
	Bedrock Charity		Royal College of Midwives (RCM)
	BEMIS Scotland		Royal College of Nursing (RCN) Scotland
	Centre for Excellence for Looked After Children in Scotland (CELCIS)		Royal College of Obstetricians and Gynaecologists (RCOG)
	Children 1st		Royal College of Paediatrics and Child Health
	Children's Parliament		Royal College of Speech and Language Therapists
	Circle Scotland		Scotland's Commissioner for Children and Young People (SCCYP)
	Clan Childlaw		Scottish Association for Community Child Health (SACCH)
	Community Practitioners & Health Visitors Association (CPHVA/Unite)		Scottish Association of Social Work (SASW)
	CrossReach		Scottish Attachment in Action (SAIA)
	Down's Syndrome Scotland		Scottish Book Trust (& Bookbug)
	ENABLE Scotland		Scottish Childminding Association
	Families Outside		Scottish Directors of Public Health
	Fast Forward		Scottish Episcopal Church (Church in Society Committee)
	Fathers Network Scotland		Scottish Health Action on Alcohol Problems (SHAAP)
	Fife Gingerbread		Scottish Pre-School Play Association (SPPA)
	Govan Law Centre		Scottish Paediatric Society
	Howard League Scotland		Scottish Women's Aid
	Institute of Health Visiting		The Spark
	Mellow Parenting		Together (Scottish Alliance for Children's Rights)
	Mentor (Scotland)		YouthLink Scotland
	Mindroom		Youth Scotland
	National Childbirth Trust (NCT)		WAVE Trust
	National Society for the Prevention of Cruelty to Children (NSPCC) Scotland		WithScotland
	Nurture Development		
	One Parent Families Scotland		

Individual Signatories

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Advisor to England DH on Healthy Child Programme

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Strathclyde University
Formerly Chief Medical Officer for Scotland

John Carnochan OBE QPM FFPH

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The coalition supporting *Putting the Baby IN the Bath Water* is coordinated by Dr Jonathan Sher (Scotland Director, WAVE Trust). For further information, or to discuss how you can help, please contact any signatory you know. Alternatively, Dr Sher can be reached at jsher@wavetrust.org or on 0744 333 1953