30 June 2020

**Early and Effective Intervention (EEI) during the COVID-19 pandemic: a joint statement from Police Scotland, Social Work Scotland and the Scottish Government**

There are times when concerning or harmful behaviour of children and young people may bring them into conflict with the law. EEI is an opportunity, where appropriate, to divert them from formal systems such as the Children’s Hearing System or report to Procurator Fiscal. EEI allows for a proportionate and appropriate response to address any identified needs and concerns. We recognise that the restrictions imposed for COVID-19 are especially challenging for them, and this statement is intended to set out how we, as responsible partners, are approaching the principles of EEI.

EEI decision making should:

* apply the principle of minimum intervention;
* be prompt and proportionate;
* actively seek and include the child’s views;
* involve a holistic understanding of the child’s needs and circumstances;
* include the views of parents or carers of children under 16, and those aged 16 and 17 years subject to compulsory measures of supervision through the children’s hearing system;
* be co-ordinated, when multi-agency assessment and response is indicated.

Where a child has a ‘lead professional’ they must be consulted regarding the initial decision making and where any intervention is identified. During COVID-19 restrictions initial gathering of information may be primarily by phone, or through the use of technology, when this is appropriate and secure.

Local protocols will determine local processes. Current guidance states that EEI referrals should, where possible, be progressed within 15 working days, and children and their families should be notified within 5 working days of the decision. However, if it is not possible for all the necessary information to be sourced within 15 working days, then reasons for this will be recorded, and decisions taken as soon as reasonably practicable.

Effective communication between Police Scotland concern hubs and the EEI coordinator is essential.

EEI referrals may be dealt with by a range of disposals:

* Police direct measures;
* No further action - for a number of reasons it may be appropriate to take no further formal action;
* Current measures in place are appropriate as identified issues and concerns are already being addressed, no further formal action required;
* Single agency referral - third sector partners, social work, education, health, fire & rescue are only some examples and as appropriate could undertake specific intervention or support such as Restorative Justice or substance misuse work;
* Referral to Scottish Children’s Reporter Administration (SCRA) - although this should not be an alternative to offering support through EEI if appropriate and timely, but an option where compulsory measures of care may be considered necessary.

Where an offer of intervention and support has been identified, opportunities to deliver this or the format may be limited during this phase of the pandemic. Local authorities will have contingency plans to maintain essential service provision.

The option to give formal warnings should be maximised by Police Scotland in local areas, as appropriate. If there is a delay in implementation of a disposal that requires face to face contact, then the reasons for the delay must be recorded. The situation should be reviewed on a three-weekly basis.

Meaningful communication with the child, family and/or carer should ensure a shared understanding of: the reasons for decisions; allow for updates if there is any delay in intervention; and ensure a collaborative purpose and approach.

Under Coronavirus (Scotland) (No.2) Act, Fixed Penalty Notices (FPN) for not complying with restrictions related to COVID-19 can no longer be issued to anyone aged under 18. Previous provisions allowed issue to 16 and 17 year olds.

Full consideration must be given to alternative courses of action and as a last resort, where 16 and 17 year olds are charged with a Coronavirus offence, the most appropriate disposal should be a Recorded Police Warning.

Where a 16 or 17 year old, and indeed any other child, is found in circumstances which amount to a breach of the Coronavirus regulations, and where there are concerns for their safety or wellbeing, then a Police Concern Form must be submitted to ensure full consideration is given to the circumstances.

Child protection concerns should be progressed as usual, applying local protocols, which will take account of Scottish Government supplementary guidance on child protection during the COVID-19 pandemic.