



The Scottish Parliament
Pàrlamaid na h-Alba

Education and Culture Committee

3rd Report, 2013 (Session 4)

Interim Report on inquiry into decision making on whether to take children into care

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CONTENTS

Remit and membership

Report	1
Context and purpose of this report	1
The committee's role	2
Timeline to date	2
Oral evidence	3
Issues for this report	4
Issue 1: The complexities of the decision making processes	4
Issue 2: Early intervention and the preventative spending agenda	6
Issue 3: Cost of child care and protection	9
Issue 4: The balance between parents' and children's rights	10
Issue 5: Resource and capacity issues in respect of placements	11
Issue 6: The role of foster carers and kinship carers	14
Issue 7: Measuring outcomes for looked after children	14
Conclusion	15
Annexe	16



The Scottish Parliament
Pàrlamaid na h-Alba

Education and Culture Committee

Remit and membership

Remit:

The remit of the Committee is to consider and report on further and higher education, lifelong learning, schools, pre-school care, skills and other matters falling within the responsibility of the Cabinet Secretary for Education and Lifelong Learning and matters relating to culture and the arts falling within the responsibility of the Cabinet Secretary for Culture and External Affairs.

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Education and Culture Committee

3rd Report, 2013 (Session 4)

Interim Report on inquiry into decision making on whether to take children into care

The Committee reports to the Parliament as follows—

CONTEXT AND PURPOSE OF THIS REPORT

1. Last June we commenced an inquiry to examine the processes involved in deciding whether or not to remove a child from the family home and to consider whether these are consistent across the country. Improving outcomes for such children has been at the forefront of our thinking throughout this inquiry.
2. We have sought to engage with the issues around the decision making processes and with those affected by the decisions. Our approach to the remainder of the inquiry will continue to be inclusive.
3. A wide range of issues have been drawn to our attention. Not all fall neatly into our remit and using a conventional approach to evidence gathering on all issues would delay our work. However, we want to continue to stimulate action and inform a wider public debate on what are sensitive and difficult issues. As a consequence we have decided to take a twin track approach.
4. We will, in the next few months, take oral evidence on three key themes. Paragraphs 17 and 18 provide further detail on these themes. During those sessions we will be seeking answers to some hard questions, questions like—
 - Are too many children left too long with parents who neglect or emotionally abuse them?¹
 - Does the State need to do more for children living in households where alcohol or drugs are routinely misused or where domestic violence is prevalent?
 - Does it take too long before vulnerable children reach a settled permanent destination where they feel at home? and

¹ Care leavers told us that their removal from the family home was triggered by their offending behaviour rather than neglect or emotional abuse that had occurred at an earlier stage.

- Are vulnerable individuals, be they children or adults, properly listened to by decision makers?

5. This report concentrates on the other issues that have emerged. All are important, meriting further consideration, and through responses to this report from the Scottish Government we believe that we can develop our understanding of these issues. In addition this report identifies some issues that we will not cover in the inquiry but will assist our scrutiny of the forthcoming children and young people bill.

6. In taking this approach we are also aiming to avoid repeating work being undertaken by other bodies. We want to add the maximum value by focusing this report and oral evidence sessions on discrete, distinct issues.

7. We expect the government to respond to this report as we complete oral evidence taking. That will allow us to hold an event, for decision makers and those affected by their decisions, covering all the different strands of this inquiry. We will then take evidence from the Government before coming to final conclusions.

8. Our target is to publish the final report prior to taking evidence at Stage one of the children and young people bill.

THE COMMITTEE'S ROLE

9. Our role in carrying out this inquiry is to take a strategic and objective overview of decision making processes, raise the profile of key issues and identify the need for changes where appropriate.

10. The inquiry follows on from our previous inquiry into the educational attainment of looked after children. During that inquiry we found that, while 56% of school leavers gained five or more qualifications, only 4.7% of children looked after away from home and 0.5% of children looked after at home achieved the same results.

11. Bearing such outcomes in mind, the specific remit of this inquiry is to consider—

- **the decision-making processes involved in determining whether a child should be removed from the family home and taken into care; and**
- **whether these decision-making processes are delivering the best outcomes for children and their families.**

TIMELINE TO DATE

12. We launched the new inquiry at Barnardo's Scotland in June 2012, inviting all interested groups to contact us with their views. We received 60 responses.

13. Following concerns raised in evidence, we wrote to several bodies² asking a series of questions. The responses are available, along with all evidence we have received, on our [webpage](#).

14. We then undertook a series of informal visits and meetings³—

- with the Chairs of Child Protection Committees in Scotland;
- with parents with learning disabilities;
- with young people with experience of being in care;
- to the New Orleans Intervention Model being piloted by NSPCC Scotland and Glasgow City Council; and
- with professionals from different agencies in Perth and Kinross.

15. We then took evidence on the children's hearings system from representatives of the Children's Hearings System, the Scottish Children's Reporter Administration (SCRA) and officials from the Scottish Government's children's hearings team.⁴

16. We found the visits to be invaluable in gathering evidence and are grateful to With Scotland, People First (Scotland), Who Cares? Scotland, NSPCC Scotland and Perth and Kinross Council and related agencies. In particular, meeting young people with experience of being in care put human faces on the issues we are considering.

ORAL EVIDENCE

17. We will take oral evidence in April and May looking at the following themes—

1. Decision making where neglect occurs;
2. Does decision making achieve timeous, stable and permanent solutions?; and
3. How can all voices be heard in the decision making processes?

18. We will concentrate on how decision making can be improved in cases where the child may not be at immediate risk of harm but where neglect is occurring, and to ensure that children reach a settled, stable home environment as quickly and effectively as possible. Under our third theme we will examine concerns put to us

² The Scottish Government, the Care Inspectorate, Children's Hearings Scotland and all local authorities that did not respond to the initial call for evidence.

³ Notes of these visits and meetings are available on the inquiry webpage: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/52590.aspx> [Accessed 25 March 2013]

⁴ Scottish Parliament Education and Culture Committee. Official Report, 5 March 2013. Available here: <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=7799&mode=pdf> [Accessed 27 March 2013]

by young people who have been through the care system and by parents with learning disabilities.

ISSUES FOR THIS REPORT

Issue 1: The complexities of the decision making processes

19. Throughout the 18 months of this inquiry and our previous inquiry into the educational attainment of looked after children⁵, we have been examining decision making processes. We have heard evidence of complexities, of joined up working needing to be improved and of patchiness in implementing Getting It Right for Every Child (GIRFEC) across the country. We have not received specific calls for the relevant systems to be radically altered but it is of concern to us that children's hearings, children and families social work and child protection form a complex set of systems through which a child can travel in a myriad of ways. That said, we are encouraged by the dedication, commitment and drive of the many professionals striving to improve outcomes for vulnerable children.

20. Children's lives can be complex and their situations can be constantly changing, therefore a certain degree of complexity in child welfare systems is inevitable.

21. Currently, lack of parental care can be separately addressed by—

- children and families social work departments;
- multi-agency child protection teams;
- the Children's Hearings system; and
- the courts.

22. There is no overarching system for determining when children require to be taken into care. The children's hearings system and the child protection system overlap while being distinct from each other. However, there are examples of Child Protection Committees, representatives of the children's hearing system and the SCRA working well together.

23. That children enter care⁶ through differing routes was demonstrated by the SCRA's 2012 study, *Children on Supervision Requirements for Five or More Years*

⁵ Scottish Parliament Education and Culture Committee. 6th Report, 2012 (Session 4) *Report on educational attainment of looked after children* (SP Paper 140). Available at: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/51538.aspx> [Accessed 25 March 2013]

⁶ This paragraph uses a number of technical terms. The following may prove helpful in understanding some of them: A "Supervision Requirement" can be made at a Children's Hearing. It can contain conditions stating where the child is to live and other conditions with which they must comply. "Compulsory measures" refers to legal intervention to help children address their needs and/or behaviour. A "child protection registration" is where a child is placed on the child protection register. Child protection registers have no legal status but are a means by which agencies are alerted to children within their local area, who have suffered, or are at risk of suffering, significant harm and need a multi-agency child protection plan to be put in place.

-*Decisions and Outcomes*. That found that only 22% came into care in the first instance as a result of a supervision requirement⁷. The majority came in to care on a voluntary basis or through emergency measures (i.e. through different systems)⁸.

24. The overlap between systems is illustrated by some children having child protection registrations during periods on supervision requirements⁹. If a child is already subject to compulsory measures (which are statutory), we are unclear why they would also receive a child protection registration (which is non-statutory) rather than having the effectiveness of their supervision requirement reviewed.

25. Action for Children and the University of Stirling's *Review of Child Neglect in Scotland* stated that separate 'family support' and 'child protection' pathways are not helpful in cases of neglect; instead they should both be seen as stages on the one pathway¹⁰.

26. In responding to the SCRA's report¹¹, *Care and Permanence Planning for Looked after Children in Scotland*, the Scottish Government stated that "only by addressing the whole system of care for children can we radically and sustainably improve their outcomes"¹². The Government committed to asking the Centre for Excellence for Looked after Children in Scotland (CELCIS) to introduce a "whole systems approach" to "mapping and critiquing the full journey of care experienced by a child on a path to permanence in one or more local authority areas"¹³.

27. Significantly we have not been able to find a map or diagram detailing the points at which children enter the different systems, how the systems interact and the criteria for choosing to utilise one system over another. In short the overall position continues to lack coherence.

28. We acknowledge that child welfare systems have evolved separately and that a certain degree of complexity is inevitable. We also acknowledge that part of the GIRFEC agenda is to rationalise systems and processes.

⁷ Scottish Children's Reporter Administration. (2012) *Research Report - Children on Supervision Orders for five or more years - Decisions and Outcomes*. Available at: http://www.scra.gov.uk/cms_resources/SCRA%20Research%20Report%20-%20SRs%205%2B%20years.pdf [Accessed 21 March 2013]

⁸ 39% came in on voluntary measures (under section 25 of the Children (Scotland) Act 1995), 35% were on an emergency basis (place of safety warrants or child protection orders), 22% were on supervision requirements, 2% were under section 61(5) or section 37(4) of the Children (Scotland) Act 1995 and 2% were not recorded.

⁹ Scottish Children's Reporter Administration. *Research Report - Children on Supervision Orders for five or more years - Decisions and Outcomes*. Page 39, paragraph 2; Page 41, paragraph 1 and 2; Page 45, paragraph 1; Page 46, paragraph 2; Page 60, paragraph 7.

¹⁰ Scottish Government. (2012) *Review of Child Neglect in Scotland*. Available at: <http://www.scotland.gov.uk/Resource/0039/00397132.pdf>. [Accessed 21 March 2013]

¹¹ Scottish Government. (2012) *Care and Permanence Planning for looked After Children in Scotland - Scottish Government Response*. Available at: <http://www.scotland.gov.uk/Resource/Doc/352000/0118198.pdf> [Accessed 21 March 2013]

¹² Scottish Government. *Care and Permanence Planning for looked After Children in Scotland - Scottish Government Response*. Paragraph 9.

¹³ Scottish Government. *Care and Permanence Planning for looked After Children in Scotland - Scottish Government Response*. Page 16.

29. We believe that there is still scope for simplification of the landscape. **We would therefore welcome a response from the Scottish Government on areas where this can be achieved. In order to provide greater clarity to decision makers and, equally importantly, those affected by the decisions, we invite the Government to clearly demonstrate how the different systems fit together.**

Issue 2: Early intervention and the preventative spending agenda

30. We have received evidence that increased funding should be allocated to preventative services. In this policy area “preventative spending” and early intervention can encompass a range of different approaches, including the following—

- taking steps to break inter-generational cycles of children becoming looked after children and having poor outcomes (we heard distressing personal evidence from care leavers about the link between being in care, becoming homeless and ending up in prison);
- the role of universal services in identifying risk at an early stage;
- different agencies identifying specific risk areas to inform future resource allocations (as we saw in our visit to Perth and Kinross); and
- the provision of additional social work support for children looked after at home (a recommendation of our previous inquiry).

31. In the following paragraphs we look at each of these issues in turn.

Breaking inter-generational cycles

32. The 2012 SCRA report asked the following questions of policy makers and practitioners—

“Can services alone change the history of some families where each generation of children is looked after? What can be done to break this cycle?”¹⁴

33. We heard from young people with experience of care that, after leaving care, provision was no longer available for them. Several spoke of having been homeless at some point. Some spoke of having become institutionalised due to a lack of basic living skills or maturity to survive and thrive independently in society, and of having a desire to return to care. Many preferred going to prison where they are looked after with meals, education, a gym and friends, as an alternative to living without skills and being alone with no support. Organisations such as Barnardo’s Scotland would like to see greater support provided for care leavers from age 16¹⁵. **We agree that support for care leavers is crucial and consider**

¹⁴ Scottish Children’s Reporter Administration. *Research Report - Children on Supervision Orders for five or more years - Decisions and Outcomes*. Page 6.

¹⁵ Barnardo’s/ Action for Children. (2012) *Briefing for Scottish Government Debate on Scotland’s Youth Employment strategy*. Available at: http://www.barnardos.org.uk/barnardo_s_scotland-afc_briefing- youth employment strategy - feb2012.pdf [Accessed 27 March 2013]. Section 5.

there is a need for clearer tracking of the outcomes of care leavers from 16 to 19.

34. In its consultation on the Children and Young People Bill, the Scottish Government indicated that it plans to legislate to raise the age that a young person leaving care has the right to ask for help from a local authority from 21 to 25. We look forward to scrutinising this provision at Stage 1 of the Bill.

35. We invite the Government to provide examples of how preventative measures can best be used to break the inter-generational cycle of children becoming looked after and having poor outcomes and, in particular, to prevent children moving from care to prison or homelessness.

Role of universal services in identifying risk

36. In this inquiry we have also heard evidence about the importance of universal services¹⁶ in supporting children and families if children are to be able to stay with their parents¹⁷. The role of the health visitor was highlighted as being important in identifying early instances of neglect and abuse and taking speedy action to address these issues¹⁸. Additionally, we have heard that the availability and accessibility of universal services and resources can prevent children requiring to be referred to social work in the first place¹⁹.

37. We have, however, heard concerns that, whilst the Getting it Right for Every Child²⁰ (GIRFEC) approach has helped to clarify the role of universal services in working together to meet the needs of vulnerable families, there is still evidence of a lack of understanding by universal services of elements of GIRFEC. For example, in written evidence, Aberdeen City Council stated that the role of the “named person”²¹ in GIRFEC has not always been embraced by universal services. This has contributed to family breakdown and referral to the children’s hearings system²². Other submissions, for example from Barnardo’s Scotland, expressed concerns about GIRFEC’s inconsistent implementation across Scotland²³.

38. We are aware that the Scottish Government plans to place several aspects of GIRFEC, including the role of the “named person”, on a statutory footing in the forthcoming Children and Young People Bill. We hope that the Bill will address concerns expressed about the role of universal services.

39. We will return to these issues when scrutinising the Children and Young People Bill.

¹⁶ State services that are available to every resident (e.g. midwives, health visitors and GPs).

¹⁷ Convention Of Scottish Local Authorities. Written submission, paragraph 15.

¹⁸ Aberdeen City Council. Written submission, paragraph 16.

¹⁹ East Ayrshire Council. Written submission, paragraph 21.

²⁰ The Getting it right for every child approach is designed to ensure that anyone providing that support puts the child or young person – and their family – at the centre.

²¹ The “named person” is a practitioner who has the role of understanding what children and young people need and quickly making the connection to the services that can help

²² Aberdeen City Council. Written submission, paragraph 14.

²³ Barnardo’s Scotland. Written submission, paragraph 26.

Different agencies identifying specific risk areas

40. In our visit to Perth and Kinross, we heard that a joint early years' strategy has been adopted by different agencies. This is to avoid instances of duplication or overlap. They have also carried out a mapping exercise of all children in the authority where there was a parental alcohol or substance misuse problem. To date the exercise has identified 900 children. This exercise showed which children were affected by parental substance misuse and confirmed what network of professional support was available to them, including those who had a social worker. It also raised awareness of these issues throughout the local authority area. As a result they have been able to target resources more strategically.

41. Written submissions to the inquiry stated overwhelmingly that under no circumstances should general assumptions be made of the ability to parent. However, we note that, on current estimates, across Scotland there are between 10,000 and 20,000 children living with at least one parent who is using drugs²⁴, and between 36,000 and 51,000 children living with parents (or guardians) whose alcohol use is potentially problematic²⁵. We note that the outcomes in Perth and Kinross appear to be positive²⁶. **We invite the Scottish Government to advise us whether it supports Perth and Kinross in undertaking this exercise and whether it will encourage similar exercises elsewhere.**

42. In oral evidence we will examine the processes undertaken by different local authorities in identifying specific risk areas when considering the issue of neglect.

Support for children looked after at home

43. In our last inquiry, *The Educational Attainment of Looked after Children*, we asked the Government whether resources are available to provide greater social work support to all looked after children, where required²⁷. In its response, the Government re-stated its commitment to the preventative spending agenda²⁸. Support for children looked after at home has since become a focus for the Looked After Children Strategic Implementation Group (LACSIG). Through the Government's Parenting Strategy, the idea of a volunteer mentor for looked after children at home is being considered²⁹. We have heard evidence of other ways of

²⁴ Scottish Government. (2006) *"Looking Beyond Risk" Parental substance Misuse: Scoping Study*. Available at: <http://www.scotland.gov.uk/Resource/Doc/135124/0033445.pdf> [Accessed 26 March 2013]. Page 12, paragraph 3.

²⁵ Scottish Government. (2012) *Final Business Regulatory Impact Assessment for Minimum Pricing per unit of Alcohol*. Available at: <http://www.scotland.gov.uk/Resource/0039/00395549.pdf> [Accessed 25 March 2013]. Paragraph 2.26.

²⁶ Care Inspectorate. (2011) *Joint inspection of services to protect children and young people in the Perth and Kinross Council Area*. Available at: http://www.scswis.com/index.php?option=com_docman&task=doc_download&gid=629&Itemid=378 [Accessed 26 March 2013].

²⁷ Scottish Parliament Education and Culture Committee. *Report on educational attainment of looked after children*. Paragraph 45.

²⁸ Scottish Government response to Education and Culture Committee 6th Report, 2012 (Session 4): *The Educational Attainment of Looked after Children*. Available at: [http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/General%20Documents/Educational Attainment of LAC Inquiry - Scottish Government Response.pdf](http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/General%20Documents/Educational%20Attainment%20of%20LAC%20Inquiry%20-%20Scottish%20Government%20Response.pdf) [Accessed 25 March 2013]

²⁹ Scottish Government. (2012) *National Parenting Strategy - Making a positive difference to children and young people through parenting*. Available at: <http://www.scotland.gov.uk/Resource/0040/00403769.pdf>. [Accessed 21 March 2013]. Page 47.

offering this support, such as through the provision of social work assistants or homemakers³⁰.

44. We believe that support for children looked after at home is an important aspect of improving outcomes and invite the Government to provide an update on the specific actions it has and is taking to ensure the provision of greater social work support to looked after children at home.

Issue 3: Cost of child care and protection

45. In October we wrote to the Scottish Government about a number of issues that had arisen in written evidence. In that letter we sought the total sum spent on protecting children by local authorities, police, the courts, the health service, the Children's Hearings System, NDPBs and any other relevant bodies. We also asked whether that outlay is providing value for money. We asked for projections on the future balance of care³¹, in the context of the emphasis on early years and preventative spending, and changing demographics.

46. The Scottish Government responded that it did not collect information on the total sum of money spent on protecting children by those bodies.

47. The Scottish Government also said it does not predict in advance the number of looked after children, either as a whole or by placement type. However, it stated that, although the number of looked after children at home has been showing signs of falling since 2004³², the overall number of looked after children has increased. This growth is seen mainly in greater numbers of placements in kinship and foster care.

48. We accept that calculating the total sum of money spent on protecting children would be a very complicated exercise. **However, we believe that calculating the total spend on protecting children and projecting the future balance of care are fundamental requirements, and we invite the Scottish Government to respond on how this could be achieved throughout Scotland, ensuring consistency across local authorities.** They would inform future care planning and budgetary decisions. To have a focus on integrated working and preventative spend requires an assessment of spend across different services and projection of future demand for services. We expect some of this information to be contained in the Financial Memorandum that will accompany the forthcoming Bill. We will return to these issues when examining the Memorandum.

³⁰ Scottish Parliament Education and Culture Committee. (2013) *Visit to NSPCC Scotland to discuss the New Orleans Intervention Model - Note of meeting*. Available at: http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Inquiries/Visit_to_New_Orleans_Intervention_Model-note_of_meeting.pdf [Accessed 26 March 2013]

³¹ The number of children requiring to be taken into care.

³² Scottish Government response to the Education and Culture Committee on issues raised in responses to the Committee's call for evidence on the inquiry. Available at: http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Inquiries/Scottish_Government.pdf [Accessed 26 March 2013]. Paragraph 5.

Issue 4: The balance between parents' and children's rights

49. Some written evidence we received suggested that parents' rights supersede children's rights in the child welfare systems particularly as the processes became more formal. It is not entirely clear the degree to which this results from differing understandings of how rights are balanced.

50. We have heard evidence about tensions between the rights of the child and those of their parents being at the core of some delays in Court³³. This is consistent with findings of the 2012 report by Action for Children and the University of Stirling, *Review of Child Neglect in Scotland*, which states—

“Once in Court parents' rights are sometimes seen as taking precedence with solicitors arguing that parents did not get the help they needed to improve their parenting or that learning disability is affecting parenting capacity and specialist support is required.”³⁴

51. In written evidence, Unison advised that these issues arise in respect of contact as well as removal—

“our members regularly report that they believe these decisions are often taken with first regard to the rights of parents as opposed to the paramountcy of the welfare of the child. Legal fora often seem to struggle with the concept that children, as well as adults, have human rights”.³⁵

52. We put these concerns, as they relate to hearings, to representatives of that system at our meeting on 15 January³⁶. Whilst arguing that research carried out by the SCRA showed that children's hearing decisions are not taken with first regard to the rights of the parents, the Children's Hearings Training Unit acknowledged that—

“in certain parts of the country, because of the number of families that come to hearings or who are party to the whole process, with legal advice, the rights of parents are being pushed slightly further up the agenda than the rights of the child. That applies to all agencies”.³⁷

53. The SCRA added—

“That issue can be a danger in some hearings, particularly with a young vulnerable parent whose child is perhaps so young that they are not even at the hearing. There can be a sort of transference and forgetting of who the hearing is about, so that panel members might almost think that the young vulnerable parent is the subject of the proceedings. That is a danger for all of

³³ Anne Black. Written submission. Paragraph 28.

³⁴ Scottish Government. *Review of Child Neglect in Scotland*. Page 50, paragraph 3.

³⁵ Unison. Written submission. Paragraph 6.

³⁶ Scottish Parliament Education and Culture Committee. *Official Report, 15 January 2013*. Available here:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=7682&mode=pdf>

[Accessed 27 March 2013]

³⁷ Scottish Parliament Education and Culture Committee. *Official Report, 15 January 2013*, Cols 1780-81

us in decision making. We need to be clear and keep the focus on the child as the centre of decision making”.³⁸

54. In relation to the concern about legal representation leading to parents’ rights being given extra weight, the incoming National Convener and Chief Executive of Children’s Hearings Scotland stated—

“In the future, we need to have panel members who can chair hearings and be pretty robust—not keep the solicitors and lawyers in check, but help them to perform to their best standard within the ethos of the children’s hearings system. Malcolm Schaffer [Head of Policy, SCRA] and I have been involved in some work with the Scottish Legal Aid Board, which has looked at our national standards, and we will be involved in some awareness raising for solicitors”.³⁹

55. We are reassured by steps being taken by Children’s Hearings Scotland but nevertheless believe that risks remain in this area. We therefore invite the Scottish Government to advise whether it considers that the current balance of rights is appropriate.

56. The incoming National Convener and the SCRA also advised that a code of conduct for solicitors who represent parents or children at hearings is being developed by the Scottish Legal Aid Board and that they have had input to it⁴⁰. She advised that Children’s Hearings Scotland is seeking views from service users about panel member practice, which will be fed back into panel member training⁴¹.

57. We acknowledge that children’s panels have difficult and sensitive decisions to make that require delicate balancing of children’s and parents’ rights. We are aware that solicitors appearing before panels have a responsibility to perform to their best standard within the ethos of the hearings system. **We welcome the development of a code of conduct for legal aid-funded solicitors at Hearings and believe that there is a case for requiring a similar code for privately funded solicitors at Hearings.**

58. We welcome the steps that Children’s Hearings Scotland is taking in seeking feedback from service users to inform panel member training. We will return to these issues once the changes to the children’s hearings system have bedded in.

Issue 5: Resource and capacity issues in respect of placements

59. We have heard evidence that decisions about whether to remove children from the family home are affected by the availability of appropriate placements. For example, the Association of Scottish Educational Psychologists stated—

³⁸ Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Col 1781

³⁹ Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Col 1782

⁴⁰ Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Cols 1787-88

⁴¹ Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Col 1782

“more needs to be done to ensure strategic planning regarding the effective deployment of local authority resources; for example, the range and availability of suitable care placements and appropriately qualified and trained staff to run them.”⁴²

60. Children in Scotland advised—

“There is no doubt that availability of resources plays a role in decision-making for children. Though no child will be allowed to remain in a situation where she/he is at risk of immediate harm or has effectively been abandoned, the evidence suggests that children are frequently placed in care settings that are unlikely to produce the best and most positive impact.”⁴³

61. The Care Inspectorate stated—

“The availability of short-term placements to accommodate children *in an emergency* was identified as an issue in some council areas during the first round of joint inspections of services to protect children. This was no longer the case during the second round completed in March 2012. Nonetheless, we did find, in some council areas, that services continue to be very challenged in providing sufficient placements to meet the needs of large sibling groups to be cared for together and children who require long term alternative care”⁴⁴

62. The Care Inspectorate added—

“Performance inspection of social work services identified strategic commissioning of children’s services including residential, fostering and adoption placements as an area for development. There has been a rapid expansion of independent providers of fostering services in Scotland during recent years. The cost benefits in terms of improving the availability of placements and the quality of children’s experiences of foster care are not yet fully tested”⁴⁵.

63. The costs are known and have recently been reported by local authorities in their work on benchmarking⁴⁶. In oral evidence, we will consider wider issues around the availability of different placement options and the impact on outcomes for children.

64. The Care Inspectorate’s evidence is consistent with evidence we heard from the Chairs of Child Protection Committees. Chairs told us that, where a child is at immediate risk of harm, they will be removed. They did, however, add that there are issues around vulnerable children who have not reached the child protection

⁴² Association of Scottish Principal Educational Psychologists. Written submission, paragraph 2.

⁴³ Children in Scotland. Written submission, paragraph 14.

⁴⁴ Care Inspectorate. Written submission, paragraph 13.

⁴⁵ Care Inspectorate. Written submission, paragraph 14.

⁴⁶ Local Government and Regeneration Committee. 10th Report, 2012 (Session 4). *Report on Public Services Reform and Local Government: Strand 2 – Benchmarking and Performance Measurement* (SP Paper 222). Available here: http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/Reports/lgr-12-10w.pdf [Accessed 26 March 2013]

system. These are children not deemed to be at immediate risk of harm and who, due to resource considerations, are not prioritised for intervention by different agencies. We will follow this specific issue up in oral evidence under the theme of decision making where neglect occurs.

65. Regarding the availability of placements determining whether and when children are removed, we are reassured by the Care Inspectorate's statement that this was no longer an issue for emergency cases by March 2012. Nevertheless we observe that it was previously identified as an issue and **we encourage the Care Inspectorate to continue to closely monitor this situation.**

66. In 2010 Audit Scotland published the report, *Getting it right for children in residential care*⁴⁷. That report recommended that local authorities should—

“ensure they understand the costs and quality of all the options available when making strategic service and placement decisions. This will help to demonstrate that they are achieving value for money in residential child care”.⁴⁸

67. The report recommended that the Scottish Government should—

“increase the pace of development of a national strategic approach to commissioning specialist services for small numbers of children”.⁴⁹

68. This report was a helpful piece of work but focussed solely on children in residential care. Since then Scotland Excel has been developing strategic commissioning in foster and residential care⁵⁰. We also note that there is strong support from third sector organisations in favour of the concept of strategic commissioning⁵¹. **We invite Audit Scotland to consider examining the resource and capacity issues for all types of placements of looked after children as part of its future work programme, particularly given the increasing use of kinship care as a placement option.**

69. Earlier in this report we stated our belief that the Scottish Government should calculate the total cost of protecting children. **In addition we invite the Scottish Government to comment on whether efficiency savings have been identified that could be used to increase the availability of appropriate placements. We consider that the lack (of availability) of resources should not prevent children being taken into care in non-emergency situations, where that is necessary.**

⁴⁷ Audit Scotland. (2010) *Getting it right for children in residential care*. Available at: http://www.audit-scotland.gov.uk/docs/local/2010/nr_100902_children_residential.pdf [Accessed 27 March 2013].

⁴⁸ Audit Scotland. (2010) *Getting it right for children in residential care*. Page 3, column 2.

⁴⁹ Audit Scotland. (2010) *Getting it right for children in residential care*. Page 3, column 3.

⁵⁰ Scotland Excel. (2012) *Social Care Update – March 2012*. <http://www.scotland-excel.org.uk/web/FILES/SocialCareUpdate2.pdf>. [Accessed 27 march 2013]

⁵¹ Scottish Children's Services Coalition. Written submission, paragraph 2.

Issue 6: The role of foster carers and kinship carers

70. We have heard evidence that there is a general lack of available foster carers and that the procedures for becoming foster carers are overly complicated⁵². For example, Angus Council stated—

“We need to build capacity of fostering services across the country and consider incentives to increase the numbers of those willing to be foster carers.”⁵³

71. Barnardo’s Scotland reinforced this point—

“The fostering resource in Scotland is too small, largely due to the small numbers (3-5%) of applicant foster carers who go on to be foster carers. There are also not enough people coming forward to be considered. More needs to be done to recruit and support foster carers.”⁵⁴

72. These are issues that are already being considered by Sandra Paterson, former Head of Children’s Services at North Ayrshire Council, as part of her review of foster care, commissioned by the Scottish Government.

73. We draw the attention of the Scottish Government to the written evidence we have received in relation to the role of foster carers and invite it to consider these submissions in the review of foster care. We will seek an update from the Government once the review has been completed.

74. In several submissions mention was also made of the role played by kinship carers and the level of support they are given⁵⁵. We have already carried out separate work on kinship care. We anticipate that the Children and Young People Bill will contain provisions relating to kinship care and we will scrutinise that Bill in due course.

Issue 7: Measuring outcomes for looked after children

75. We know that looked after children generally have poorer outcomes than other children, however our call for written evidence issued at the outset of this inquiry asked—

“What evidence is available to demonstrate that children, who are removed from the family home, whether temporarily or permanently, enjoy better outcomes than they otherwise would have had?”⁵⁶

⁵² Scottish Drugs Forum, written submission; Angus Council, written submission; and Barnardo’s Scotland, written submission.

⁵³ Angus Council. Written submission, paragraph 9.

⁵⁴ Barnardo’s Scotland. Written submission, paragraph 21.

⁵⁵ Angus Council, written submission; Care Inspectorate, written submission; Families Outside, written submission; and Poverty Truth Commission, written submission

⁵⁶ Scottish Parliament Education and Culture Committee (2012), call for evidence for inquiry into decision making on whether children should be taken into care, Available at: http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Inquiries/Call_for_evidence

76. Responses to this question were mixed. Some respondents indicated that it was impossible to measure this. For example, Aberlour Childcare Trust stated—

“A critical lack of data exists as to what the cost of zero intervention against taking a child into care would be in terms of impact on life chances.”⁵⁷

77. Includem reinforced the view that there is a “lack of evidence”⁵⁸ whilst Quarriers stated that “It is difficult to do a rigorous comparison”⁵⁹.

78. However, others, such as NSPCC Scotland, stated that there were measurements that could be used and pointed to academic studies that had been carried out⁶⁰.

79. In November 2012 the SCRA published its report, *Children on supervision requirements for five or more years: decisions and outcomes*. That report found that, over time, there was a general increase in positive outcomes for children included in the survey, thereby demonstrating the benefit of supervision requirements. We will follow up some of the issues raised in that report when taking oral evidence on decision making to achieve timeous, stable and permanent solutions.

80. How to ensure and measure the best possible outcomes for looked after children will be central to our thinking as we continue our inquiry. **We invite the Scottish Government to state the extent to which outcomes for looked after children are improved following state intervention and how this is to be measured.**

CONCLUSION

81. This report seeks comment and updates on a range of areas that have been brought to our attention. The responses we receive will, as appropriate, be taken forward in the later stages of our overall inquiry, through discussion at our event and in oral evidence with the Minister.

[- Inquiry into decision making on whether children should be taken into care.pdf](#) [Accessed 27 March 2013]

⁵⁷ Aberlour Childcare Trust. Written submission, paragraph 17.

⁵⁸ Includem, Written submission, paragraph 14.

⁵⁹ Quarriers. Written submission, paragraph 10.

⁶⁰ NSPCC Scotland. Written submission, paragraph 11.

ANNEXE

All written evidence is available online:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/54315.aspx>

Relevant Official Reports are available online:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29802.aspx>

Further detail on the inquiry, including notes of the visits, is available online:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/52590.aspx>

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