



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Education and Culture Committee**

### **10th Report, 2013 (Session 4)**

### **Report on decision making on whether to take children into care**

**Published by the Scottish Parliament on 23 September 2013**

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website -  
[www.scottish.parliament.uk](http://www.scottish.parliament.uk)



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Education and Culture Committee**

### **10th Report, 2013 (Session 4)**

#### **CONTENTS**

#### **Remit and membership**

#### **Report 1**

#### **Introduction 1**

Background 1

Our approach 2

Context and structure of the report 3

Decision-making processes 3

#### **Part 1: how could decision-making processes be improved? 5**

Theme 1: early intervention 5

Theme 2: assessments 8

Theme 3: workforce training and retention 11

Social worker training and retention 11

Theme 4: hearing all voices in the decision-making processes 13

Parents with learning disabilities 14

#### **Part 2: outcomes of the decision-making processes 16**

Improving knowledge about outcomes 16

Outcomes for families 18

Achieving permanence 20

Resources 23

A single child welfare system? 25

#### **Conclusions 26**



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.

#### **Membership:**

George Adam  
Clare Adamson  
Jayne Baxter  
Colin Beattie  
Neil Bibby (Deputy Convener)  
Stewart Maxwell (Convener)  
Joan McAlpine  
Liam McArthur  
Liz Smith

#### **Committee Clerking Team:**

##### **Senior Assistant Clerk**

Terry Shevlin

##### **Assistant Clerk**

Lewis McNaughton

##### **Committee Assistant**

Vicki Bradley



The Scottish Parliament  
Pàrlamaid na h-Alba

## Education and Culture Committee

### 10th Report, 2013 (Session 4)

#### Report on decision making on whether to take children into care

The Committee reports to the Parliament as follows—

#### INTRODUCTION

1. Our last inquiry considered how the educational attainment of looked after children, particularly those looked after at home, could be improved<sup>1, 2</sup>. In our final report we noted the difficulties in striking a balance between supporting families and intervening to remove children from harmful situations, and agreed to carry out a more detailed inquiry into this area. This led us to establish the following remit—

- to investigate 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.

#### Background

2. We have taken a considerable amount of evidence over the course of the inquiry and have already published an interim report<sup>3</sup>. That report invited the Scottish Government's views on a variety of topics and set out three themes on which we would take further evidence<sup>4</sup>. To discuss these themes we took oral evidence at six committee meetings and held an informal meeting with children and young people in the care system. This discussion was invaluable in allowing us to hear from those who are directly affected by the decision-making processes.

<sup>1</sup> Scottish Parliament Education and Culture Committee. 6th Report, 2012 (Session 4): *The educational attainment of looked after children*. (SP Paper 140).

<sup>2</sup> Paragraphs 12-19 provide a description of the technical terms used in this report.

<sup>3</sup> Scottish Parliament Education and Culture Committee. 3rd Report, 2013 (Session 4): *Interim Report on inquiry into decision making on whether to take children into care* (SP Paper 300).

<sup>4</sup> Decision making where neglect occurs

Does decision making achieve timeous, stable and permanent solutions?; and  
How can all voices be heard in the decision-making processes?

3. We also held a major event in the Parliament involving a wide range of expert groups and individuals. Participants considered four key questions that we had identified in advance from the meetings described above<sup>5</sup>. The responses to these questions informed our subsequent questioning of the Minister for Children and Young People, Aileen Campbell MSP.

4. This final report covers the main issues that arose from all the strands of work mentioned above and some outstanding issues from the interim report. It should be read in conjunction with the interim report as it does not revisit areas that were fully covered in that publication<sup>6</sup>.

### **Our approach**

5. We have been conscious throughout the inquiry of the considerable amount of other relevant work that has been, and is being, carried out in this area. Given the breadth of our remit, there is also a huge volume of underpinning legislation, guidance and research. This report is by no means an exhaustive review of all the decision-making processes or the underpinning legislation.

6. We recognise the critical role of local authorities, community planning partnerships, social work and other public and third sector bodies in bringing about many of the changes that are needed<sup>7</sup>. However, our recommendations focus primarily on what we consider the Scottish Government should do to help bring about improvement. This is in accordance with the Scottish Government's leadership role, as described by the Minister—

“I very much see our role as being a leadership role: setting out the guidance, providing the frameworks and ensuring that we provide the support to ensure both that local practitioners make decisions in a way that is fully informed and that those practitioners are fully empowered.”<sup>8</sup>

7. The Minister considered that the Children and Young People (Scotland) Bill, which we are currently scrutinising, will address many of the issues that have been highlighted in our inquiry. She also mentioned other Scottish Government work that overlaps with the inquiry—

- A refresh of the national child protection guidance “taking full account of the importance of providing a clearer fit with children’s hearings and other looked after children processes”;
- A review of its approach to looked after children and child protection more generally;

---

<sup>5</sup> The key questions and issues arising from the event can be found in the following committee paper:

[http://www.scottish.parliament.uk/S4\\_EducationandCultureCommittee/Meeting%20Papers/Papers\\_25\\_06\\_13.pdf](http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Meeting%20Papers/Papers_25_06_13.pdf).

<sup>6</sup> All the written and oral evidence provided to the Committee can be found on the following webpage, along with links to the Committee’s informal visits and event:

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

<sup>7</sup> We use the informal term ‘service providers’ throughout this report to refer to organisations that provide a service that could help looked after children and young people.

<sup>8</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2613.

- A mapping process for the interaction between child support processes and the court system.

8. We welcome that the Scottish Government, alongside other bodies<sup>9</sup>, is actively seeking to make improvements in these areas, and also welcome the Minister's acknowledgement that further reform is still required. Our report seeks to complement the Scottish Government's approach by highlighting those areas where we consider that improvement is most needed.

9. Our inquiry will also inform our scrutiny of the Bill and help us to consider whether it could go further in helping looked after children. Some important issues raised during the inquiry – such as information sharing – are not considered in this report. We will instead use the evidence provided to inform our bill scrutiny.

### **Context and structure of the report**

10. The remainder of this report is in two main parts. The first part considers how current decision-making processes could be improved. The second considers the outcomes that these processes are helping to deliver. There is some overlap between the two.

11. Before examining these issues it is helpful to provide a brief description of current 'decision-making processes'. We recognise that there are different processes and that they can be very complex. However, we want our report to be accessible to a wide audience and have therefore tried to summarise the main points as clearly as possible.

### **Decision-making processes**

12. We consider that deciding whether or not a child should be removed from the family home and taken into care is one of the most difficult tasks carried out by public authorities. Such decisions can involve complex legal, ethical and professional deliberations, with competing viewpoints having to be carefully balanced. The consequences of getting a decision wrong can, in the most extreme cases, be fatal.

13. No one person, profession or body is responsible for making such decisions. There is a mixture of processes involved, including the children's hearings system, multi-agency child protection, the courts and local authority social work. There are also many bodies involved, from across the public and voluntary sectors. Crucially, children and families should play a full role too.

14. Decisions can involve both voluntary and compulsory measures.

#### *Voluntary measures*

15. Social work will often support children with the family's co-operation. This can include placing the child in foster, kinship or residential care if the parents agree.

16. If there are child protection concerns (such as neglect or abuse), then a multi-agency process can result in the child being added to the child protection

---

<sup>9</sup> For example, CELCIS, SCRA and the Care Inspectorate.

register. This approach does not involve compulsion. Rather, it means a multi-agency plan being created for the support that will be provided to the child, with the aim of reducing the risks that led to the child protection concern.

### *Compulsory measures*

17. There are occasions where compulsory measures are needed, such as when the family is not co-operating. In an emergency, the police or the courts can order that a child be removed from her or his family. When the situation is not an emergency, anyone can refer a child to the children's reporter. A children's hearing can be called if one of the grounds for referral is met and compulsory measures are necessary. The grounds can be similar to those that would spark a child protection inquiry. Most children referred to the reporter are referred on grounds related to neglect or lack of parental care. Unlike the social work department, a hearing can require that a child be placed on supervision. This is compulsory social work intervention either at home, meaning that the child is 'looked after at home', or away from home, in foster care, kinship care or residential care. A few (around 300) children are adopted each year and there is a separate statutory framework for decision-making about adoption. It is important to stress that many children often move between home and care and that being removed from the family home can be a short- or long-term intervention.

18. The care and protection of children by public authorities is underpinned by a number of principles, such as the principle of the best interests of the child and that, in so far as is consistent with safeguarding and promoting the child's welfare, a public authority should promote the upbringing of children by their families. In applying these principles there is a need to balance the rights of children and parents and to ensure that any state interference is proportionate. The views of the child should be listened to and hearings or courts will not make a legal order affecting the child unless it is necessary to do so.

19. There is currently a strong policy focus on achieving permanence for children more quickly<sup>10</sup>. This is to be achieved, in part, by encouraging decision makers to take earlier and swifter decisions so that, for example, there is a reduction in the number of children moving frequently between care and home, or experiencing continual breakdown in their placements.

20. Further detail on the issues discussed above can be found in the SPICe briefing Child Protection<sup>11</sup>.

### *Challenges*

21. The difficulties around decision-making should never be under-estimated. In summarising its inspection findings from 2009-2012 the Care Inspectorate, the inspection body, reported that—

---

<sup>10</sup> 'Permanence' has been defined as "a stable living situation for a child which meets his or her needs for consistent, sustainable, positive relationships, normally best achieved within a family setting". Scottish Government. (2011) Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007. Available at: <http://www.scotland.gov.uk/Publications/2011/03/10110037/0>

<sup>11</sup> Scottish Parliament Information Centre. (2012) Child Protection. Available at [http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Factsheets/SB\\_12-52.pdf](http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Factsheets/SB_12-52.pdf)



“staff often ... [struggle] to distinguish between those situations where parents can meet children’s needs to an acceptable standard with additional help, usually on a long-term basis, and those where children require alternative care.”<sup>12</sup>

22. According to professor Eileen Munro this difficulty cannot simply be laid at the door of the professionals—

“Society varies in the message that it sends. There are times when it says that a child should never be left in any danger, but it gets into a paddy when a lot of children are taken away. It is always a pendulum that we are trying not to let swing too far in either direction. The reality is that, if children are removed, a lot of mistakes will be made in removing children who could have stayed at home, but if the aim is to keep children at home, there is a higher probability that some of them will be harmed.”<sup>13</sup>

23. The dilemma for professionals can be summed up as follows: ‘Should I remove the child, or can I work with the family and give them extra services to make them safe?’

#### PART 1: HOW COULD DECISION-MAKING PROCESSES BE IMPROVED?

24. Having provided the context to our inquiry, this part of the report considers how current decision-making processes could be improved.

25. We have been told repeatedly about the importance of placing children at the centre of decision making and taking their views into account. A recurring message from many of the young people in care we spoke to, which goes to the heart of this section, is that they felt they had been left too long at home when they should have been taken into care earlier.

26. This is a straightforward statement, but it throws up a host of inter-related and often complex issues. For simplicity’s sake we have grouped these issues together under the following broad themes, which are explored in turn—

- early intervention;
- assessments;
- workforce training and retention;
- hearing all voices in the decision-making processes.

#### **Theme 1: early intervention**

27. It is in everyone’s interests that a child be brought up by her or his family in a stable, safe and loving home environment. Where the home environment is likely to be clearly unsatisfactory, professionals should seek to intervene as early as

---

<sup>12</sup> Care Inspectorate. (2013) *Child Protection Services*. Available at: [http://www.scswis.com/index.php?option=com\\_docman&task=cat\\_view&gid=542&Itemid=100180](http://www.scswis.com/index.php?option=com_docman&task=cat_view&gid=542&Itemid=100180)

<sup>13</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 14 May 2013, Col 2365.

possible so that the damage to the child is minimised. However, NSPCC Scotland considered that—

“A lot of our processes, especially for younger children, involve waiting to see whether we can make things better at a point in a child’s life when they can suffer serious long-term harm.”<sup>14</sup>

28. We were given various examples of agencies working together to try to provide earlier support to parents to keep the family unit intact, or to make earlier and quicker decisions to remove their children if their parenting is not considered adequate. In other words, early interventions may bring about completely different outcomes for the families.

29. There is mixed evidence about the exact results that early interventions may produce over the longer term. Some of the terminology in the debate can often be used differently or imprecisely, which can create some confusion and make policy implications more difficult to understand<sup>15</sup>.

30. In its response to our interim report, the Scottish Government noted the importance of early intervention<sup>16</sup> if children are to be able to ‘stay with their birth parents’. However, Unison pointed to examples of where early intervention had led to more children ‘coming into care’—

“Our members’ experience is that, when practice teams and front-line social workers are fully resourced, early intervention comes as a matter of course. ... The feedback that we have had from many people is that, as staffing got better and they were better resourced on the front line, the number of children coming into care went up.”<sup>17</sup>

31. According to the Minister, the number of children ‘becoming looked after’ under the age of one has increased by 50 per cent since 2007, while the proportion of children becoming looked after under the age of five has increased by more than 25 per cent.<sup>18</sup> She did not state whether these trends were as a consequence of early interventions. The Association of Directors of Social Work (ADSW) in Scotland discussed pre-birth planning when clear difficulties with the parents are anticipated. It noted that this is leading to cases where babies are placed with carers either at or just after birth.<sup>19</sup>

32. While not referring directly to such statistics, the Centre for Excellence for Looked after Children (CELCIS) warned that “We must ... get better at ensuring that fewer children come into care and that the children who come into care need

---

<sup>14</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2512.

<sup>15</sup> For example, phrases such as ‘early intervention’ and ‘early years interventions’ can sometimes be used interchangeably, as can ‘looked after children’ and ‘taken into care’.

<sup>16</sup> And of universal services in supporting children and families.

<sup>17</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2510.

<sup>18</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2611.

<sup>19</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 16 April 2013, Col 2176.

to do so”<sup>20</sup>, which implies that there are some children who are ‘coming into care’ who should not be there.

33. Much of the financial case for early intervention is based on the assumption that it will create savings for public bodies—

“Intervening early not only improves outcomes for individuals, their families and communities, but can save the costs of expensive interventions in health, social care, justice and welfare over several decades.”<sup>21</sup>

34. Given the importance public services are placing on early intervention, and the corresponding financial arguments, it is vital to have robust information on the likely consequences of this approach. We understand that the increased use of early interventions may result in a short-term rise in the number of very young children requiring to be looked after. **However, the Scottish Government should state whether early interventions will lead to fewer children becoming looked after over the longer term, and to their enjoying demonstrably better outcomes. If fewer children are likely to become looked after, the Scottish Government should provide an analysis of the service delivery and financial implications for service providers. We also consider that, in discussing early interventions or early years interventions, terminology should be used more clearly and consistently.**

35. We consider evidence later in this report to suggest that there are some legal concerns about seeking to remove children too soon from the family home. **The Scottish Government should explain how the trend for increasingly younger children becoming looked after is compatible with legal requirements around promoting the upbringing of children by their families.** This is particularly relevant in the case of babies who may be removed close to birth.

#### *Universal services and early intervention*

36. Universal services, alongside social workers, are increasingly helping to identify issues of concern that may require early intervention in families. This is particularly true in relation to neglect, where staff may be able to detect that relatively small issues are developing into more serious concerns. The further implementation of Getting it right for every child (GIRFEC)<sup>22</sup> and the introduction of a statutory ‘named person service’ through the Bill is likely to increase this role further.

37. Professor Brigid Daniel suggested that the increasing role of universal services may require a clarification of social workers’ role in providing early interventions—

“Health visitors and teachers can offer a lot of extremely helpful preventive support, but they sometimes need the skills of social work to assess whether the parents will be able to change quickly enough for the child’s development

---

<sup>20</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 5 March 2013, Col 2114.

<sup>21</sup> Children and Young People (Scotland) Bill. Policy Memorandum (SP Bill 27-PM, Session 4 (2013)). Paragraph 20.

<sup>22</sup> GIRFEC is the Scottish Government’s programme for changing service delivery.

... We need the expertise of social work to be available across the board, rather than for things to be split by service and profession.”<sup>23</sup>

38. Ensuring that social workers are only involved where their skills are really needed is efficient. However, if social workers are left with only the very difficult, stressful cases then this may not have a positive effect on the profession as a whole. It is also important to ensure that those families whose situation is too complex for universal services to deal with, but who are not yet in crisis, are not left with inadequate support.

**39. Notwithstanding the Bill’s provisions on the named person, the Scottish Government, given its role in helping to set the policy and resource framework, and relevant service providers must take steps to ensure that the complementary skills of staff in universal services and in social work are used more effectively. We are very concerned to avoid children ‘falling through the gaps’, in the manner outlined, and call on the Scottish Government and service providers to clarify whether current resources for assisting such children are adequate.**

## **Theme 2: assessments**

40. In general terms, when there are concerns about a child a social worker will undertake an assessment in order to decide what kind of intervention, if any, is needed. Child protection procedures also involve an assessment, which may be carried out on a multi-agency basis.

41. Many experts repeatedly stressed the importance of good quality assessments. For example, Scotland’s Commissioner for Children and Young People stated “if there is one thing that could benefit us all, it is more consistent assessment”<sup>24</sup>.

42. This ambition, however, is clearly not always being met. For example, a Care Inspectorate summary of its inspections from 2009 to 2012 found that—

“Assessments did not always address longer-term risks and needs well. Nor did they always lead to clear, outcome-focused plans, sufficiently resourced to achieve tangible improvements for children.”<sup>25</sup>

43. The undertaking of assessments is a large and complex area, parts of which are currently being reviewed. There is an issue around assessments, however, that is relevant to this section. This can be summed up as the ability of social workers to make assessments, particularly around neglect, that are acceptable to other decision makers. It can be very difficult for social workers to provide compelling evidence on neglect, particularly emotional neglect, as this can require consistent and long-term assessment. Further, agencies with a responsibility for child protection do not always perceive neglect in the same way. The Care Inspectorate has also reported that “while there is growing recognition of the

---

<sup>23</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 14 May 2013, Col 2364.

<sup>24</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 7 May 2013, Col 2294.

<sup>25</sup> Care Inspectorate. (2013) *Child Protection Services*.

impact of neglect on children, intervening effectively quickly enough remains a huge challenge”<sup>26</sup>.

*Social worker assessments*

44. Where a case is considered by a children’s panel, children’s reporter or by the courts, particularly if it involves neglect, the Scottish Children’s Reporter Administration (SCRA) stressed the need to ensure that the information presented—

“ ... is of the highest quality and can clearly mark out the sort of behaviour exemplified, the impact on the child and what the research tells us about the cumulative effect that that behaviour can have on the child’s future health or development”<sup>27</sup>.

45. We have already noted views on how well this is being achieved on a multi-agency basis. In evidence, various witnesses also commented specifically on social workers’ ability to undertake assessments. Several references were made to the ‘rule of optimism’ within social work. While social workers’ role is to support families, an overly-optimistic approach may mean that they sometimes over-estimate the willingness or ability of families to make the changes that their children need. This attitude may mean that families are repeatedly given ‘one last chance’ to change, which can result in children being exposed to a potentially harmful or neglectful environment for longer than they should have been.

46. NSPCC Scotland acknowledged social workers’ knowledge and assessment skills, but said they “lack confidence in using them”. It called for “a much stronger focus on equipping and training social workers and the mandatory use of evidence-based techniques to assess the quality of relationship that a child is experiencing ...”<sup>28</sup>. Various other suggestions were made during the inquiry and our event as to how social workers’ assessment and support could be improved<sup>29</sup>.

47. Concerns about social workers’ confidence in preparing assessments were acknowledged by social work representatives themselves. For example, ADSW referred to the “revolving door of assessment whereby we have already assessed a family and we have an opinion but we feel the need to go round and assess them again”. It said this stemmed from “a lack of confidence that people will have sufficient evidence when they appear in front of the sheriff and the belief that they have to redo it ...”<sup>30</sup>.

48. Unison told us that social workers’ evidence in court “is not treated with the same legitimacy as evidence from the medical professions, psychologists or a

---

<sup>26</sup> Care Inspectorate. (2013) *Child Protection Services*.

<sup>27</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Col 1774.

<sup>28</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2513.

<sup>29</sup> Social workers making decisions on a group rather than an individual basis; being much clearer with parents about the changes that they are expected to make; and greater use of ‘chronologies’, i.e. considering previous, similar incidents within a family, rather than simply focusing on the most immediate incident.

<sup>30</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 16 April 2013, Col 2177.

range of other people” and even considered that “There is an issue around the credibility and relevance that is given to the profession by society as a whole.”<sup>31</sup>

49. Social work representatives made clear the difficulties in retaining the experienced staff who may be able to carry out assessments most effectively, an issue we consider later. The Scottish Association of Social Work (SASW) also stressed the importance of social workers’ work being valued and of being given enough time to develop relationships with families—

“When there is a social worker who goes into the home and is familiar with what is going on there, the likelihood of that child coming into the care system reduces. When the social worker feels under pressure and does not have the time to make that kind of contact and to build up a relationship, work becomes contracted out for other people to do, and social workers become case managers. That is a danger, because that is when children are escalated into the care system.”<sup>32</sup>

50. The evidence we have summarised above shows clear challenges for social workers in undertaking assessments to a standard that is always acceptable to other decision makers. It is important that all parts of the decision-making processes have a better understanding of each other’s roles, so that this inefficiency is addressed and the burden on social workers is reduced. We note the Scottish Government’s work on the interactions between child support processes and the court system. **We hope this work will fully address this issue and call on the Scottish Government to provide clear timescales over which progress will be made.**

51. We are concerned that social workers consider there are factors that impede their ability to work with children and families as well as they would like. **Therefore, we also call on the Scottish Government, given its role in setting the policy and resource framework, to explain how it will work with local authorities to help child social work carry out its role more effectively.**

52. There is a further, broader point about assessments that can be covered in this section. The Minister discussed various approaches, including the New Orleans Intervention Model pilot and early years collaborative work in the Borders, that seek to ensure “that we can work with the family but, if we need to, [we can] step in and remove the child appropriately”<sup>33</sup>.

53. The approaches referred to by the Minister could bring about fundamental change, by significantly reducing delay around decision making. **If there is clear evidence that tangible and cost-effective improvements are being delivered, the Scottish Government should explain how it will encourage the roll-out of such initiatives across the country.**

---

<sup>31</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2515.

<sup>32</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2523.

<sup>33</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2637.

### **Theme 3: workforce training and retention**

54. In evidence there was a clear demand from a wide range of experts for the different groups involved in decision making to receive joint training.

55. It was considered that such training could help to address the fact that different professions often have different tolerance levels and attitudes towards neglect or child welfare. There were also calls for better training on such matters as child development, attachment, assessment and decision making, and the long-term impact of emotional abuse on a child. The chair of the child health commissioners national group considered that this would, for example, provide a shared understanding of different agencies' roles and remits, and would lead to better practice<sup>34</sup>. While the link was not always explicitly made, such training may also help to address the inconsistencies in decision-making that were repeatedly mentioned in the written evidence we received.

56. Various witnesses stressed that children's panel members also needed to be trained to ensure that they understood the impact of their decisions. The Scottish Social Services Council (SSSC), for example, noted that while panel members do not actually undertake assessments, they do assess others' assessments and therefore "need to understand the process and the importance of speedy, good decision making"<sup>35</sup>.

57. In oral evidence Action for Children said that multi-agency training was useful for considering thresholds for intervention but that there are "still occasions when professionals do not agree that a situation has reached a point at which more intensive intervention is necessary"<sup>36</sup>. It suggested that the Scottish Government could take a lead by encouraging all agencies and local authorities to train all staff who have direct contact with families.

**58. We agree that the Scottish Government, given its role in helping to set the policy framework, and relevant service providers should ensure that all those who could benefit from joint training are able to do so.** There is a clear demand for this and evidence to suggest it would be beneficial.

### **Social worker training and retention**

59. We also wish to highlight particular training challenges for social workers and the related issue of staff retention.

#### *Training issues*

60. When we met children and young people with experience of care, several felt very strongly that social workers and other authorities had failed to explain why they were being taken away from their family. There was also a view that social workers had not explained to them when they first entered the care system exactly what care was; what the social workers' role in their lives would be; or what they could expect from the entire process. Distressingly, the young people had blamed themselves for being separated from their family and had felt as though they were

<sup>34</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 21 May 2013, Col 2432.

<sup>35</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 16 April 2013, Col 2168.

<sup>36</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 5 March 2013, Col 2106.

being punished. While we spoke to a relatively small number of young people, these findings suggest that social workers must improve their communication skills. Young people's views were shaped by the frequent turnover of social workers in their lives, an issue we address later.

61. There were concerns in evidence about the quality of both the undergraduate social work degree and post-qualification training. For example, ADSW voiced the opinion that "the Social Work degree is basic and general, with limited opportunity to specialise"<sup>37</sup>. It also stated that "the route for social workers beyond their qualifying training is not as well defined as it should be"<sup>38</sup>, while the NSPCC criticised post-qualifying training for being too theoretical.<sup>39</sup>

62. The Scottish Association of Social Work (SASW) said that its members had commented that training departments "have disappeared as a result of the cuts that have happened to local government" and that "post-qualification training ... is now disappearing."<sup>40</sup>

63. We are very concerned by the claim that post-qualification training may be "disappearing", as this would exacerbate the other challenges facing social workers that we have highlighted. **The Scottish Government should therefore provide detailed information on the impact of the local government settlement on social workers' post-qualification training and career development, and their ability to support children and families. If the evidence substantiates the claims made by the Scottish Association of Social Work, the Scottish Government should confirm what action it will take to reverse, or at least mitigate, these impacts.**

64. The social work degree is being reviewed by the Scottish Social Services Council. **This review must address all the concerns around consistency and assessments that we have heard throughout our inquiry. In particular, it should ensure that prospective social workers are fully aware of criticisms voiced by young people with experience of the care system.**

#### *Retention*

65. We have a huge regard for the social work profession and the work it undertakes. We were therefore disappointed to be told about the difficulties of retaining experienced social workers on the 'front-line', where they can have direct contact with children and families. This was seen as one of the major challenges facing the profession. Young people in care felt strongly that there should be greater consistency in the social worker allocated to them – one had experienced more than ten social workers. They also discussed the difficulty of trusting social workers, which may have arisen from this lack of consistency.

66. ADSW explained that there had been some unsuccessful attempts to address the problem of retention, describing difficulties with job evaluation schemes. It also noted that political support for social work is always a welcome

---

<sup>37</sup> ADSW. Supplementary Written Submission.

<sup>38</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 16 April 2013, Col 2171.

<sup>39</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2530.

<sup>40</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Cols 2524-2525.



factor in boosting staff morale and retention<sup>41</sup>. SASW highlighted Northern Ireland as an example of where consultant social workers were paid at the same level as managers, and where post-qualification skills development have been promoted.<sup>42</sup>

67. We note that workforce issues were addressed in Changing Lives: the 21<sup>st</sup> century social work review<sup>43</sup>. The continued concerns about staff retention and training that have been highlighted to us suggest that previous policy interventions have not resolved these issues. **The Scottish Government, in conjunction with local government, must establish the current levels of staff retention in children's social work and the causes of these retention levels. All necessary measures must be taken to ensure that staff retention is significantly improved.**

#### **Theme 4: hearing all voices in the decision-making processes**

68. We have tried throughout the inquiry to listen to the views of those who are directly affected by the decision-making processes. This section sets out the improvements that children in care and parents with learning disabilities wish to see made, so that their voices are heard.

##### *Children's hearings*

69. The children and young people we spoke to were clearly unhappy about some aspects of the children's hearing system. These were not complaints about the overall purpose or ethos of the system, but about what could be seen as procedural or structural shortcomings, albeit ones that could have a very serious impact.

70. Hearings were generally perceived as being intimidating, stuffy and stressful. There was also a common view that too many people attended, including professionals (such as educational psychologists) who saw the children irregularly yet were able to express an opinion.

71. Some children had felt inhibited about speaking in front of their family as they may have had a comment to make about them. Some were unaware that they could speak to the panel on their own and there was limited awareness of the support that an advocate could provide. Many of these concerns were also expressed at our event.

72. While some criticisms can be seen as the almost inevitable result of attending a tribunal that has the power to make life-changing decisions, young people did point to examples of good practice. The better hearings were those where children felt listened to and where fewer people were present. Overall, it was noted that the system needed to be much more child-friendly.

73. We welcome the fact that senior figures involved in the hearings system took seriously some young people's criticisms, and were honest about the improvements that require to be made—

---

<sup>41</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 16 April 2013, Col 2166.

<sup>42</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2531.

<sup>43</sup> Scottish Executive. (2006) Available at:

<http://www.scotland.gov.uk/Publications/2006/02/02094408/0>.

“I think that panel members always feel that we put young people at ease and that we are good at engaging and communicating, but actually we are not as good as we think we are.”<sup>44</sup>

“To be blunt, for a few years we have been very complacent about the system for involving young people. We can up our act, and we need to.”<sup>45</sup>

74. The 2011 Children’s Hearing (Scotland) Act came into effect during the course of our inquiry. It aims to address many of the concerns we heard—

- It reinforces the existing provision enabling the hearing to speak to the child on its own
- Panel members will have a duty to check that the young person is aware of advocacy support and other services.

75. In general, Scottish Government officials said that the Act would focus on improving outcomes for children and young people and “ensure that the hearings system is more child friendly”<sup>46</sup>. We are also encouraged by the fact that the national convener<sup>47</sup> will get more feedback from children and young people about how they felt their hearing was conducted. The national convener will also be required to take into account young people’s views in the design and delivery of panel member training.

76. We strongly welcome the improvements the Act is designed to make. We are also reassured by the obvious determination of all the main bodies in the hearings system to improve the participation by, and outcomes for, young people. **While we recognise that change may take time, we will return to this area later this session to determine whether the anticipated improvements are being delivered.**

### **Parents with learning disabilities**

77. Groups who represent parents with learning disabilities also made strong criticisms about the decision-making processes, including the hearings system.

78. We explored some of the challenges facing such parents in an informal meeting with People First (Scotland) Parents’ Group and with the Scottish Consortium for Learning Disability (SCLD) in oral evidence. SCLD referred to international research showing that about two out of every five children born to parents with learning disabilities are permanently removed from their care. While noting that the research base is not robust, SCLD said it had no reason to believe that the levels are significantly different in Scotland. It also suggested that some decision makers still display prejudicial attitudes—

---

<sup>44</sup> Children’s Hearings Scotland. Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Col 1772.

<sup>45</sup> SCRA. Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Col 1773.

<sup>46</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 29 January 2013, Col 1886.

<sup>47</sup> The National Convener of Children’s Hearings Scotland acts as a figurehead for panel members.

“Some professionals see someone with a learning disability and assume incompetence. Indeed, written evidence and reports have on occasion cited that as the reason for removal.”<sup>48</sup>

79. SCLD also claimed that “a lot of children and families social workers are totally unaware of the Scottish good practice guidelines on supporting parents with learning difficulties that were produced in 2009”<sup>49</sup>.

80. Another concern raised by parents’ groups is that the support offered to parents with learning disabilities does not, in their view, take a suitably long-term perspective—

“One of the main difficulties is the culture of short-term interventions in children and families social work departments ... there is now more of a financial imperative simply to go in, fix the problem or make the situation good enough and then withdraw. However, for many parents with learning difficulties, such an approach is not effective and does not work.”<sup>50</sup>

81. This approach was contrasted with adult learning disability services where, SCLD argued, “there is an acceptance that long-term support is needed and many adults with learning disabilities in Scotland get lifelong support as the norm”<sup>51</sup>.

82. SCLD went on to advocate ‘a supported parenting model’<sup>52</sup>, which, it considered, would “have positive outcomes for children and reduce the numbers of children having to be accommodated”<sup>53</sup>.

83. SCRA and Scottish Government explained some of the steps they had taken to improve the inclusion of parents with learning disabilities in the decision-making processes, but again acknowledged that more effort is required.

84. We are very concerned to hear that some of the most vulnerable people in society consider they are being discriminated against by having their children removed disproportionately more often. **Further research is necessary to determine the true scale of the problem, and we call on all parties to work together on this. We welcome the commitment by SCRA and the Scottish Government to make further improvements and expect that these will also be made in full consultation with representative groups. We believe that the Scottish Government should evaluate the merits of the supported parenting approach.**

---

<sup>48</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 7 May 2013, Col 2291

<sup>49</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 7 May 2013, Col 2297

<sup>50</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 7 May 2013, Col 2292.

<sup>51</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 7 May 2013, Col 2292.

<sup>52</sup> This would involve various principles, including the identification of vulnerable parents at an early stage and support being available as early as needed.

<sup>53</sup> SCLD. Written evidence.

## PART 2: OUTCOMES OF THE DECISION-MAKING PROCESSES

85. Having considered how decision-making processes could be improved, this part of the report considers the outcomes that these processes are helping to achieve.

86. There are difficulties involved in judging whether outcomes for looked after children are better following state intervention, an issue we explored in our interim report. This area, like many others, is also actively being reviewed<sup>54</sup>.

87. 'Outcomes' can also be interpreted in different ways, for example, whether looked after children go on to enjoy the same life chances as other children, or whether permanence, a key goal of the system, is increasingly being achieved. It may also be possible to evaluate whether a particular decision-making process or type of intervention is more effective than any other.

88. In short, evaluating outcomes is a complex task. The main issues that arose in evidence are considered under the following headings—

- Improving knowledge about outcomes;
- Outcomes for families;
- Achieving permanence.

89. We then consider the cross-cutting issue of resources.

### **Improving knowledge about outcomes**

90. In the written evidence we received, there was limited discussion of the specific outcomes that could realistically be expected of children who have experienced care. There was a suggestion that outcomes should not simply be viewed in terms of academic achievement; given the trauma some children suffer a sign of success can simply be their developing confidence and resilience. An obvious but important short-term outcome is that a move into care can put an immediate stop to any abuse or neglect being suffered at home.

91. There was some mention of the fact that young people who move to adulthood from care generally experience far more adverse outcomes than the general population, in terms of health, experiences of prison, homelessness, etc. Such findings are well known but may not take into account what may have happened had the child remained at home. West Dunbartonshire Council considered that it is "potentially dangerous to assume that young people looked after at home would have automatically achieved more had they been removed from home"<sup>55</sup>.

92. Some findings may also fail to take into account the age at which a child has been removed from the family home. Various submissions made the point that the

---

<sup>54</sup> For example, the Bill seeks to place a duty on local authorities and health boards to report on outcomes for children and young people.

<sup>55</sup> West Dunbartonshire Council. Written submission, paragraph 20.

damage is often done prior to a child being accommodated. For example, East Ayrshire Council pointed out that—

“Removing a child from their family home cannot be seen as a cure for the effects of bad parenting, nor will it automatically undo the harm that children have been subjected to in their formative years.”<sup>56</sup>

93. We asked the Minister for her view on how success for looked after children should be measured. She agreed that it would be “too crude” simply to judge success on the numbers of children being taken into care and added—

“We ... have to ensure that we have a better, more rounded picture of a looked-after child’s wellbeing and not base success on educational attainment alone. That broader approach allows us properly to gauge whether the looked-after intervention that that child has had has been successful.”<sup>57</sup>

94. In seeking to make improvements to looked after children’s outcomes, it is important to know their current outcomes. Considerable improvements have been made in recent years to the collection of statistics on looked after children. According to CELCIS, however, data on looked after children is still “very weak” and it is therefore “much more difficult to understand the needs of the population or to be able to look back after a couple of years to see whether we have improved”<sup>58</sup>.

95. There is a demand for more detailed information to be collected that would provide a fuller picture of looked after children’s outcomes, and allow for judgement to be made on whether interventions have been successful. Taking into account its response to our interim report, **we recommend that the Scottish Government progress this work as a matter of priority, to ensure that the Minister’s desire for a “better, more rounded picture of a looked-after child’s wellbeing”<sup>59</sup> is achieved. In doing so, the Scottish Government should provide a detailed explanation of how improvement will be determined, i.e. the baselines we are starting from and the outcomes that are expected.**

96. In oral evidence, the Minister described “tangible progress”<sup>60</sup> in terms of adoptions from care doubling; and large increases in the proportion of younger children becoming looked after. **The Scottish Government should state whether these are to be considered positive outcomes for the whole child protection system. If so, it should explain how this aim will influence the different decision-making processes.**

*Applying existing knowledge*

97. Various experts considered that further research in certain areas is not needed. Instead, they argued that practitioners had to get better at applying the

---

<sup>56</sup> East Ayrshire Council. Written submission, paragraph 32

<sup>57</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2638.

<sup>58</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 5 March 2013, Col 2116.

<sup>59</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2638.

<sup>60</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2611.

findings from existing research. The British Association for Adoption and Fostering (BAAF) was particularly critical—

“... there is no shortage of assessment frameworks or knowledge but, somehow, those things appear to be negotiable—people can pick and choose whether to use the material, research and information that are available”<sup>61</sup>.

98. A very large volume of existing research was brought to our attention during the inquiry. From the evidence provided to us, it is clear that organisations have widely varying levels of awareness about this evidence-base, which raises questions about how it is commissioned, disseminated and acted upon.

99. For example, we asked a question about outcomes in our original call for written evidence<sup>62</sup>. The responses to this question were very varied, with some respondents saying there was no or little evidence available to provide an answer. Others, such as the Association of Scottish Principal Educational Psychologists and COSLA, pointed to “significant research” and “extensive evidence” to demonstrate good outcomes for children who are removed from the family home.

100. In light of its role to make local practitioners fully informed and empowered, **the Scottish Government should build on existing efforts and work with partners to ensure that key lessons from existing research are better disseminated and, crucially, acted upon.** It is up to individual organisations to commission and publish research as they see fit. While this is perfectly reasonable, **the Scottish Government should work closer together with other bodies to identify outstanding gaps in research knowledge and to commission further research accordingly.**

### **Outcomes for families**

101. Although most of the evidence we received focussed on children, our remit mentions outcomes for both children and families. It is clear that parents’ actions or circumstances are often the most significant factors in determining children’s outcomes. Some of the young people we spoke to felt very strongly that they had only been taken into care when their own behaviour had deteriorated, rather than as a result of their parents’ neglectful behaviour.

102. This section considers some specific issues of relevance to families that, taken together, have led some experts to consider that there should be a greater policy focus on the whole family.

103. The NSPCC pointed out that families with the most difficulty in offering good enough care to their children, or that mistreat or neglect their children, often have significant problems—

---

<sup>61</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2510.

<sup>62</sup> 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?

“The adults – particularly the mothers – are often dealing with the lifelong consequences of their own traumatic and abusive histories, especially in early childhood.”<sup>63</sup>

*Supporting families*

104. The NSPCC went on to outline areas that could be improved, including the skill and confidence of the workers who deal with such families, and parents’ access to skilled therapeutic help. This second point was supported by Unison in oral evidence—

“Our members are reporting more and more cases involving mental health issues. We are taking some children into care in cases where, if the proper services had been around and if their parents had received the mental health support in the community that was required, they should not have needed to come into care.”<sup>64</sup>

105. Drug and alcohol misuse is another clear example of where parents’ actions or behaviours can have significantly negative impacts upon a child. In our interim report, we contrasted the very high number of children living with drug or alcohol misusing parents, with the overwhelming view in written evidence that general assumptions should never be made about such parents’ ability to parent.

106. In oral evidence, the Care Inspectorate referred to research demonstrating that where experts work with adults in a family to address drug and alcohol addiction, sharing information with children’s social workers seems to make a difference. However, it also noted its disappointment about “how slow those two separate services have been in developing joint plans for families”<sup>65</sup>.

107. At our event, experts suggested that there may be a contradiction between the policy objectives of ‘Getting our priorities right’<sup>66</sup> and GIRFEC. In other words, that optimism about working with adults on recovery may clash with effective early intervention for children.

108. Concerns about how parents’ broader behaviours affect their children were raised by the chair of the child health commissioners national group, who called for a more joined-up approach—

“We are just beginning the process of gaining information from adult services in those cases where a parent may have an issue with mental health or alcohol or obesity or tobacco that has a direct impact on the child. To a certain extent, we are still treating the symptoms and not the causal factors. We need to move to a process similar to getting it right for every child that can be applied for every family rather than just for every child. We should

---

<sup>63</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2513.

<sup>64</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2514.

<sup>65</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 16 April 2013, Col 2164.

<sup>66</sup> Scottish Government good practice guidance for all agencies and practitioners working with children, young people and families affected by problematic alcohol and/or drug use.

look at the family as a whole unit and not just the child as an isolated factor within the family.”<sup>67</sup>

109. The importance of taking whole families’ needs or behaviours into account was also raised in relation to the hearings system. In discussing the merit of a hearing being able to put a condition on a parent, the Children’s Panel Chairmen’s Group remarked that this “would make a heck of a lot of difference to some outcomes”<sup>68</sup>. Professor Brigid Daniel claimed that the hearings system could be misused to compel the child and family, instead of as a way of compelling local authorities to provide services—

“Sometimes universal services will make a referral to a children’s hearing because it feels that it is a way of upping the ante when the family might not necessarily need some sort of compulsion. That is not a sensible way to use the system, which should be more about trying to unlock services.”<sup>69</sup>

110. We recognise that the Scottish Government has already undertaken work on a ‘whole family’ approach. There are clear views, however, that this approach could be extended. **The Scottish Government must build on work with service providers to ensure that support for families is better coordinated, so that outcomes are improved. This should include an evaluation of any further resources that would be required.**

111. There are parents in Scotland whose use of alcohol and drugs affects their children. Policy aimed at such parents must not undermine efforts to support their children. **We therefore call on the Scottish Government to provide an assurance that alcohol and drugs policy always takes children’s rights into account.**

### **Achieving permanence**

112. Ensuring that a child has a stable, safe, loving home – whether with their parents or other carers – can be considered to be the long term goal of any intervention to support children. In other words, support for looked after children should be aimed at achieving permanence. Where an intervention is made too quickly or too late, or does not meet a child’s needs, where children return home only to return back into care because underlying issues have not been resolved, where placements continually breakdown and where there are many unplanned ‘crisis’ moves, it can be considered that decision-making processes are not achieving the ‘best outcome’.

113. Recent statistics show that 63% of looked after children have one placement, around a quarter have two or three placements and 11% have more than three

---

<sup>67</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 21 May 2013, Col 2425.

<sup>68</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 15 January 2013, Col 1793.

<sup>69</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 14 May 2013, Col 2371.



placements<sup>70</sup>. When we met young people with experience of the care system, one had experienced around thirty placement moves.

114. The current policy focus on permanence can be seen as an effort to overcome some of these poor outcomes, and to deal with many of the other issues outlined in this report. As this area is under such active review, we limit our comments on permanence to the following key areas:

- improving permanence planning;
- permanence on supervision orders;
- returning home.

*Improving permanence planning*

115. Following an SCRA report in 2011 on the length of time taken to achieve permanence, the Scottish Government issued an action plan<sup>71</sup>. This included the establishment of the CELCIS permanence team in September 2011, which aims to “promote effective professional engagement with families, promote the planning for and the management of high quality assessments, reduce unnecessary delays and drift in permanence planning and promote a new ‘whole systems’ approach to permanence planning.”

116. In oral evidence CELCIS said that there was recognition across the system that improvements needed to be made, but that benefits would probably not arise from its work for a number of years. Not all local authorities are taking part in the work being led by CELCIS.

117. CELCIS is not the only body working on permanence. For example, SCRA is seeking to identify how hold-ups linked to court proceedings could be tackled. The Care Inspectorate has also reported on factors that can help to reduce delays in decision making for children who need permanent placements. We have already noted relevant work being undertaken by the Scottish Government.

118. We welcome the work on permanence being carried out by CELCIS, SCRA, the Scottish Government and various others. The Care Inspectorate also has a fundamental role to play in helping to bring about improvement in this area. **The Scottish Government should confirm how all this work is being coordinated to ensure that relevant agencies will deliver tangible and measurable improvements to looked after children.**

119. While some benefits will arise over the longer term, **we expect improvements in permanence planning to be evident in care inspections relatively soon. The Scottish Government should explain how all local authorities are to benefit from CELCIS’ work and whether extra support is**

---

<sup>70</sup> Scottish Government. (2013) *Education outcomes for Scotland’s looked after children, 2011/12*. Available at: <http://www.scotland.gov.uk/Publications/2013/06/9231/4>.

<sup>71</sup> SCRA. (2011). *Care and Permanence Planning for Looked After Children in Scotland*. Available at: [http://www.scra.gov.uk/cms\\_resources/Care%20and%20Permanence%20Planning%20for%20Looked%20After%20Children%20in%20Scotland.pdf](http://www.scra.gov.uk/cms_resources/Care%20and%20Permanence%20Planning%20for%20Looked%20After%20Children%20in%20Scotland.pdf).

**likely to be provided to ensure all authorities make progress in achieving permanence.**

*Permanence on supervision orders*

120. We discussed an SCRA report which showed that in 2009-10, more than 2,000 children had been on supervision orders for five years or longer. The BAAF questioned whether such lengthy supervision orders are appropriate —

“ ... supervision exists either to empower people to become the parents that their children need and enable them to do the business, or to help parents with their parenting for a limited amount of time ... It cannot operate to provide year-on-year oversight of children’s wellbeing and welfare. Supervision was intended to be only a means to an end and not an end in itself, but that is, sadly, what supervision requirements seem to have become.”<sup>72</sup>

121. If long term supervision orders are not desirable, then clarification is needed of the legal basis of ‘permanence’ where a child cannot live with her or his family. This is particularly pertinent in the context of the relatively low numbers of adoption and permanence orders made each year. Where a child is on long term supervision at home, this begs the question of the effectiveness of the support provided to that family.

**122. The Scottish Government should clarify its position on the appropriateness of long term supervision orders.** If it is seeking to minimise their use, then it should set out a clear strategy for doing so.

*Returning home*

123. One of the more shocking pieces of evidence presented to us concerned the extent to which some children repeatedly move back and forwards between the family home and temporary care. The NSPCC referred to a study in Glasgow showing that two thirds of children who went home came back into care again within a year, and described this as “a merry-go-round of placements”<sup>73</sup>. It also referred to research showing that a huge proportion of children who come into care and go home again suffer further abuse and neglect, which is clearly unacceptable<sup>74</sup>.

124. Where a return home has failed, experts said this may have been because nothing had been done to fix the problem that led to the child’s removal in the first place. Who Cares? Scotland noted that “when children are removed, work is often carried out with them to address some of their issues, but in many cases the same additional work is not done with the families ...”<sup>75</sup>.

125. At our event, experts considered that the following factors were important in ensuring successful reunification: loving relationships; continuity of care; robust assessment; and good quality research and training for professionals. The written evidence provided to us repeatedly stressed the overwhelming importance of good

---

<sup>72</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2518.

<sup>73</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2521.

<sup>74</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 28 May 2013, Col 2513.

<sup>75</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 7 May 2013, Col 2304.

quality planning before the child is returned. It also mentioned other crucial factors such as the support being of a high quality, tailored, consistent and enduring; and provided on a multi-agency basis, taking account of the whole family's needs.

126. In terms of neglect specifically, research commissioned by Action for Children reported that interventions to return home had to be sustained, focused, structured, clear, authoritative and warm.

127. Perhaps surprisingly, the written evidence made little reference to the negative outcomes mentioned by the NSPCC. The evidence was also rather theoretical, in that it set out the factors behind successful reunification, but did not provide evidence to show that a particular approach had, for example, achieved better results in a real life situation.

128. The damage that can be caused to a child by parental neglect or abuse is very well established. It is simply appalling that many children are removed from the parental home but then go on to suffer further abuse or neglect when they return home. This is despite the fact that the factors behind a successful reunification are apparently well known to decision makers. **The Scottish Government must take a lead in encouraging service providers to make significant improvement in this area.**

## **Resources**

129. The level and efficient use of resources underpinning the decision-making processes are critical issues for this inquiry. In our interim report, for example, we questioned the Scottish Government on evidence suggesting that decisions about removing children from the family home were affected by the availability of appropriate placements.

130. We have also repeatedly asked the Scottish Government for the total sum of money all relevant bodies spend on protecting children, and whether this spend is providing value for money.

131. In oral evidence, the Minister made clear the difficulties of disentangling spending in this way but noted that “the total that can possibly be spent on children’s services is about £2.5 billion”<sup>76</sup>. Her evidence also stressed the importance of spending resources as effectively as possible, with a strong emphasis on early intervention and preventative spending.

132. Our interim report also asked the Scottish Government for its projections on the future balance of care, in other words the likely number of children who will be looked after at home, in kinship care, in foster care or accommodated.

133. The Scottish Government did not meet this request, noting instead the work it was considering undertaking to help local authorities promote ‘strategic commissioning’. In oral evidence the Minister defined strategic commissioning as follows—

---

<sup>76</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2625.

“It is about the best place to put a child and about ensuring that the resources are spent in areas of need for a particular local authority. It is about ensuring that the best place is available for a child and that there is a planned and proportionate intervention that is about not just where is free, but about placing a child, with permanence planning in the background, to ensure that there is a limit to the number of times a child is placed.”<sup>77</sup>

#### *Strategic commissioning*

134. The Scottish Children’s Services Coalition’s (SCSC) written evidence was extremely critical of the approach being taken to strategic commissioning. It stated that ongoing work by Scotland Excel “falls significantly short of delivering a coherent response to the challenges of effective strategic commissioning”. It also claimed that only independent providers – and not local authorities – were being asked to provide information on service quality and cost to service commissioners. The SCSC went on to “strongly question” how this approach would allow for an effective process of strategic commissioning that improves outcomes for children and young people.<sup>78</sup>

135. The Scottish Government has made it clear that work on understanding spend and future demand can best be undertaken at a local level. We question how this fits with the Scottish Government’s leadership role, and how it will allow for a national picture of future spending and placement needs to be established. Given the Scottish Government’s role in presenting the annual Draft Budget to the Parliament we also consider that it should have a role in determining whether value for money is being provided at a national level. Given the Scottish Government’s position, however, we **invite its response to the concerns expressed about strategic commissioning. We also consider that all the ongoing reviews mentioned throughout this report should take into account value for money and effective use of resources.**

#### *Resources for children looked after at home*

136. Our inquiry was launched, in part, because of the particular concerns we had about children who are looked after at home. In our last inquiry the most senior social work and education professionals told us this was a group that had been given the least consideration and for whom no long term vision had been established.

137. In her oral evidence, the Minister agreed that this was an area where improvement was essential. She referred several times to recent summits that had specifically considered the needs of children who are looked after at home.

138. There was a consensus in our written evidence that children looked after away from home generally perform better on various measures than children looked after at home. The causes of this are not clear. The written evidence also highlighted a lack of information about the comparative costs of supporting a child at home as opposed to away from home.

---

<sup>77</sup> Scottish Parliament Education and Culture Committee. *Official Report*, 25 June 2013, Col 2625.

<sup>78</sup> SCSC. Written Submission.

**139. If the ongoing work concludes that more support is necessary for children looked after at home, then the Scottish Government, in conjunction with local authorities, should provide detailed information on the investment that would be required. In particular, we require clarification of whether increased social work support would be available, an issue we have raised on various occasions. The Scottish Government should also provide a detailed description of the improvements that all the reform activity in this area is expected to deliver.**

#### **A single child welfare system?**

140. We conclude our report by considering how the different parts of the child welfare system work together. In doing so, we note that we asked participants at our event the following question: do all those involved in the decision-making processes have a shared vision of what success would look like and how we would get there? While the result may not be entirely representative, a large majority of respondents said ‘no’.

141. The system has four main parts: social work, children’s hearings, multi-agency child protection and the courts. Some evidence gave the impression that these different decision-making processes should be a single, coherent system with a shared understanding of the outcomes to be achieved and an agreed approach to achieving them.

142. We have already summarised, for example, views on joint training, assessments and early intervention. There was also discussion in evidence about the extent to which children’s hearings’ decisions follow or should follow social workers’ recommendations. The argument that they should suggests that different parts of the system are expected to act towards the same end. We also note that CELCIS is undertaking work on permanence, which includes the promotion of a new ‘whole systems’ approach to permanence planning, and the reduction of delays throughout the system more generally. There was also considerable discussion in evidence about inconsistencies in various aspects of the decision-making processes<sup>79</sup>, and a view that many of these inconsistencies should be eradicated.

143. Many witnesses noted other barriers to be overcome if a more coherent approach is to be achieved. For example, we fully appreciate the emphasis on early intervention and quicker decision making, but social workers have made it clear that they are not always given enough time to support families. This may mean that their interventions are sometimes not fully effective, or that their assessments are challenged by the courts or hearings. This may create a vicious circle that leads to reassessments and further delays. We have also heard about the benefits to be derived from social workers taking a longer-term perspective on a child’s needs, rather than just responding to individual incidents. If the system is to be focused on swifter decision making, it is not clear how this longer-term perspective would fit.

---

<sup>79</sup> For example, that thresholds for intervention vary between different agencies and different geographical areas; that there are varying numbers of children in care in different local authority areas; etc.;

144. While it is necessary to iron out any duplication or needless bureaucracy across the different systems involved in supporting children, it is also important to recognise that there will be legitimate disagreements between professionals about what is best for a child. Therefore, while multi-agency working and the GIRFEC approach are to be applauded, it should also be recognised that disagreements can be helpful and can lead to the challenging of perspectives and to positive interventions.

145. Many of the improvements being sought through the ongoing reviews mentioned in this report will entail different decision-makers working more closely together. While this appears to be broadly welcomed in the evidence, our event showed that there is still a debate about the overall aims of the decision-making processes.

146. In short, there is a need for a clearer vision to be established, around which staff, resources and processes may have to be rearranged. **The Scottish Government should therefore provide clear leadership by explaining how, bearing in mind the discussion above, current decision-making processes could be more closely aligned towards achieving greater consistency in outcomes for looked after children.**

## CONCLUSIONS

147. We recognise the good work that is being taken forward as a result of GIRFEC and other child protection measures to improve the wellbeing of children in Scotland. We pay tribute to the hard work of social workers, healthcare professionals and education professionals across the country for the challenging work they do.

148. We acknowledge the importance of the establishment of CELCIS, and the research it is carrying out on subjects such as permanence, and believe it will play an important role in building on efforts to share knowledge and best practice.

149. However, we believe that the current decision-making processes are not always delivering the best outcomes for children and their families.

150. Despite the enormous efforts being made across Scotland to bring about improvement, too many children have been left too long in an unsuitable home environment. Too few children move quickly enough into stable, loving homes and go on to enjoy the same life chances as other children.

151. There is a great deal of activity underway, including the Bill, that aims to reform decision-making processes and improve outcomes for looked after children. We welcome the recognition that progress has still to be made and the acknowledgement that some improvements will take time to manifest.

152. No-one has told us that current processes should be abolished or that a completely new system of child protection and welfare should be established. However, the sheer volume of ongoing work could suggest that deep-rooted problems are being addressed on an incremental basis.

153. Progress will be heavily dependent on the decisions of professionals working at a local level and we have set out the areas where improvement is required. The Scottish Government should do more in its leadership role to ensure that improvement is achieved consistently across the country. It should seek to establish a shared vision of what success would look like for looked after children, and ensure that resources and processes are built around that vision.

154. While we accept that it is difficult to quantify, we still do not know whether current public spending on supporting and protecting children is delivering value for money. However, we believe that existing resources – people, financial and time – could be used more effectively. Participants at our event told us, for example, that there are too many people involved in the decision-making processes.

155. The ongoing reforms should take these messages into account. All parties involved should also ensure that reforms are co-ordinated and that key messages are fully disseminated. Most importantly, reform must deliver demonstrably better outcomes.

156. We will seek future updates from the Scottish Government on the outcomes that all the activity described in this report is helping to deliver. Given the fundamental importance of ensuring that the voices of children and young people are heard, we will also seek their input.

157. Our inquiry has already helped to stimulate a wider debate by creating a public forum for experts to discuss the decisions they make about care, decisions that can deal with often highly sensitive, difficult and controversial areas. We trust that our report will continue to encourage wider debate on how outcomes for some of our most disadvantaged children and young people could be improved. Few issues are of greater importance.

Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.

---

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by APS Group Scotland

All documents are available on  
the Scottish Parliament website at:

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

For details of documents available to  
order in hard copy format, please contact:  
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

---

ISBN 978-1-78351-736-7

---