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15 June 2020

Dear Convener

CHILDREN (SCOTLAND) BILL: INFORMATION REQUESTED IN ADVANCE OF STAGE 2

In the Scottish Government's response to the stage 1 report from the Justice Committee on the Children (Scotland) Bill I have committed to providing additional information on a number of areas in advance of the first stage 2 session.

I have provided further information on the following areas in my response to the Justice Committee's stage 1 report:

- steps we intend to take to promote the Charter for Grandchildren (see paragraphs 80 -86 of our response);
- why the provision in section 16 of the Bill is necessary (see paragraphs 145-151 of our response);
- addressing concerns regarding PRRs for unmarried fathers (see paragraphs 163- 172 of our response);
- responding to concerns raised about the current terminology associated with PRRs (see paragraphs 178- 182 of our response); and
- responding to concerns about how the existing factors in the 1995 Act have been reproduced in the Bill (see paragraphs 72 -79 of our response).

I have set out further information in the other areas outstanding in the annex to this letter.



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The Scottish Government should set out how it will address the practical issues raised about the duty in section 15, particularly by the judiciary. This should include further details on how it will ensure that the courts have sufficient resources to fulfil this duty.

1. I am aware that the judiciary and legal profession in their oral and written evidence to the Justice Committee have raised concerns about the provision in the Bill regarding explanation of decisions.
2. I consider it important that a child receives an impartial explanation of important decisions about who they live with or have contact with. Although clearly parents can play an important role, in a court situation relying on one parent to explain a decision to a child could lead to a child not receiving impartial information. In addition, the role of explaining the decision can be a difficult one for a parent who may not agree with the decision. I am also aware that children's organisations and some organisations representing parents are in favour of the provisions in the Bill.
3. The Faculty of Advocates, the Senators of the College of Justice, the Sheriffs' Association and the Sheriffs Principal raised concerns that it is not appropriate to make the explanation of decisions to children mandatory. I would not expect every decision to be explained to the child as we are aware that there may be a number of hearings which may only be procedural. The Bill does not require an explanation to be provided if the child is not capable of understanding an explanation however given, it is not in the best interests of the child to give an explanation or the location of the child is unknown. In addition, the court is only required to provide an explanation of a decision to decline to vary or discharge an order if it considers it appropriate to do so.
4. The Faculty of Advocates and the Summary Sheriffs' Association raised concerns about how sheriffs will explain a decision before the change in the arrangements takes place, as this might happen the next day or the next weekend. I appreciate that a change may need to be made quickly. I would expect that any explanation should be organised in a timely fashion. Any change in an order should not be delayed by the requirement to provide an explanation of the decision which gave rise to that change. If necessary, an explanation could be given to the child after the change has taken place. This could still allow for independent reasoning of the decision to be given. Detail of this nature would be best placed in court rules. We have already committed to producing a paper for the Family Law Committee of the Scottish Civil Justice Council on this.
5. The Law Society of Scotland noted that if the child has an appointee (whether a Children's Rights Officer, a curator ad litem, an advocacy worker or a solicitor), this appointee may be best placed to explain a decision to that child. The Bill gives the Scottish Ministers the power by regulations to list other individuals who can provide an explanation of a decision. It is important that whoever provides the explanation does so in an impartial manner, in a way that is appropriate for the child concerned and is trained.
6. The SCTS said that consideration needs to be given to the ways in which children may prefer to receive an explanation as they may not want to speak directly with the judge or receive a written explanation. The Bill does not lay down how the court has to provide the explanation, just that it must be in a way that the child can understand. In the Family Justice Modernisation Strategy which was published at the same time as the Bill was

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introduced. I committed to producing guidance for parties and children on the court process. Information on ways a decision could be explained to a child may be covered in this guidance.

7. The SCTS also noted that there may not have been a Child Welfare Reporter involved in every case. We appreciate that a Child Welfare Reporter may not have been appointed but we think it is important that a child receives an impartial explanation of a decision. The Bill allows for the court to provide an explanation itself. In addition, the Bill allows the court to fulfil its duty to provide an explanation to the child by arranging for that explanation to be given by a Child Welfare Reporter. Where no Child Welfare Reporter has previously been involved in the case, one may be appointed just for this task.
8. The Senators of the College of Justice have noted that providing an explanation of a decision would be a new role for Child Welfare Reporters. We appreciate this and the Financial Memorandum included estimated costs (please see table 8) of providing an explanation to a child via a Child Welfare Reporter. We would not envisage that these provisions would be commenced in advance of the establishment of the register of Child Welfare Reporters, which would ensure that Reporters are fully trained on providing explanations of decisions to a child.
9. The Senators of the College of Justice have also noted that there should be no expectation on court staff to undertake this role. We do not envisage this. Explanations would either be provided by the sheriff/judge themselves or by a Child Welfare Reporter. Although the Bill contains a power to allow the Scottish Ministers to adjust the list of those who may provide an explanation to a child, we do not envisage this power being used to add court staff to that list.
10. The Summary Sheriffs' Association and the SCTS note the need for adequate funding in this area. The Financial Memorandum which accompanies the Bill has separate costings for this new function being undertaken by Child Welfare Reporters (see paragraphs 42-45) and by the court itself (see paragraphs 89 -92)¹. We have estimated additional costs of between £1.36m and £3.76m per year in relation to explanations provided by Child Welfare Reporters. For explanations provided by courts we have estimated this cost as being between £0.12m and £0.61m per year on the basis of the court providing this in writing or in person

¹ <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/children-scotland-bill/introduced/financial-memorandum-children-scotland-bill.pdf>

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The Scottish Government should provide further details on the steps that it will take to encourage other professionals, such as social workers and psychologists, to act as child welfare reporters. This should include working with relevant professional bodies to ensure, for example, that resources are available to allow people to undertake the necessary training

11. My understanding is that currently over 90% of Child Welfare Reporters are lawyers and I am grateful for the skills that lawyers bring to this role. One of the aims of the Bill is to encourage more non-lawyers to apply to become Child Welfare Reporters. The Scottish Government recognises the important skills that, for example, child psychologists and social workers could bring to this role.
12. It is not new for the Child Welfare Reporter role to be carried out by professionals other than lawyers. Research published by the then Scottish Office in 1987 discussed the role of both social workers and of lawyers in providing reports².
13. The qualifications and experience required to be a Child Welfare Reporter will be set by secondary legislation. I have committed to consulting on these criteria in advance of laying these regulations. This will be a public consultation in line with the usual Scottish Government guidelines.
14. In the Financial Memorandum which accompanies the Bill I set out an indicative timetable for establishing the register of Child Welfare Reporters. This envisages that preparation of secondary legislation would be undertaken between September and December 2020 and that I propose to consult on the training and eligibility criteria early in 2021. I appreciate that the passage of the Bill has been delayed slightly due to the Covid-19 crisis but I still aim to consult on criteria early in 2021.
15. As I noted in my response to the Justice Committee's stage 1 report I would expect officials to work with a range of stakeholders in developing the criteria for Child Welfare Reporters, and that this would include Social Work Scotland, child psychologists, bodies representing the legal profession, the Scottish Courts and Tribunals Service (the SCTS), the Judiciary, the Convention of Scottish Local Authorities (COSLA), local authorities and organisations supporting grandparents, parents and children. We will also consult with children.
16. Officials will ensure that the stakeholders mentioned above are aware of the consultation when it is launched. We will engage with stakeholders to ensure that social workers and child psychologists are given a full opportunity to participate in the consultation exercise.
17. When we consider the recruitment process for individuals to be on the register of Child Welfare Reporters, officials will ensure that child psychologists and social workers are aware of the recruitment process and that it is advertised in suitable media.
18. On resources being made available to undertake the necessary training, paragraph 32 of the Financial Memorandum sets out that Child Welfare Reporters would need to undergo training on topics such as domestic abuse, coercive control and report writing. We have estimated that this could cost £400 per day and that each Child Welfare Reporter may

² The 1987 research is at <https://www2.gov.scot/Resource/0040/00403905.pdf>
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require an average of four days training per year. Training requirements for non-lawyers may differ from those of lawyers and this would be reflected in the training provided.

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The Scottish Government should provide details on how it will ensure that sufficient funding will be available for contact centres to meet both their existing level of service provision and the new regulatory requirements (including improvements to premises and additional training).

The Scottish Government should provide the Committee with an update on its ongoing discussions with Relationships Scotland about securing a sustainable funding arrangement for child contact centres in Scotland.

19. The Committee made recommendations on the Scottish Government providing more information on sustainable funding in relation to child contact centres.
20. The Scottish Government considers this raises both short term issues and longer term issues.
21. For the current year, as already indicated, the Scottish Government has provided Relationships Scotland with a grant of £200,000 to support child contact centres from 1 April to 30 June 2020. The Scottish Government is currently preparing a grant of a further £500,000 to support Relationships Scotland child contact centre services in 2020/21.
22. These resources are in addition to grant funding provided to Relationships Scotland from the Children, Young People and Families Early Intervention Fund.
23. The Scottish Government recognises that, as the Committee indicates, there are longer-term funding pressures in relation to child contact centres. As the Financial Memorandum for the Bill indicates, there will be costs to contact centres as a consequence of the regulation planned under the Bill. In addition, we may need to take account of any longer term impact of Covid-19 on child contact centre services.
24. The Scottish Government considers that the best way of providing longer-term and sustainable funding for child contact centres is to carry out a tendering exercise for the provision of child contact centre services. Therefore, if the Children (Scotland) Bill is enacted, we would intend to start work on letting a contract for the provision of child contact centre services.

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Care Inspectorate feasibility study report

The Scottish Government should before Stage 2 set out its detailed response to the recommendations made in the Care Inspectorate's feasibility study report.

Recommendation 1 - based on the above outlined benefits and risks, we recommend that child contact centres should be regulated.

Scottish Government response

25. I agree with this recommendation. The Bill gives the Scottish Ministers the power to set by regulations minimum standards for child contact centre services in relation to training of staff and accommodation. The Bill also gives the Scottish Ministers power to appoint a body to oversee the standards and report on the standards on a regular basis.
26. Establishing minimum standards in relation to training and accommodation will help ensure that all contact centres are safe locations. These provisions will apply to all contact centres which are used by individuals who are referred by court. Although the Bill does not extend to referrals by solicitors to contact centres, I would expect solicitors to use a regulated centre and we are engaging with the Law Society of Scotland on this.
27. I note the risks that the Care Inspectorate outline in terms of costs and resources and ensuring service provision is safeguarded under the new regulations. The Financial Memorandum recognises that there will be costs in relation to the body overseeing the regulation of contact centres: paragraphs 114 to 129 of the Financial Memorandum refer. The wider issue of contact centre funding was covered in more detail in the previous section.
28. Secondary legislation will be required to introduce the regulation of contact centres and there will be a full public consultation on the detailed proposals. Officials will continue to engage with contact centre services as the minimum standards are developed.

Recommendation 2 - We recommend that Scottish Government considers making funding available to support the provision of child contact centre staff training, as provided for in the financial provisions of the Bill.

Scottish Government response

29. I agree with this recommendation. The Bill includes provisions which give the Scottish Ministers the power to set minimum standards for contact centres by secondary legislation. Minimum standards would cover areas including staff training.
30. Paragraph 109 of the Financial Memorandum sets out that the estimated costs associated with staff training is £0.32m per year. I expect that this cost would commence in 2022/23 (when the regulations are expected to come into force) as centres aim to meet the training requirements. This cost would be a recurring cost, as training would be ongoing to ensure that staff training remains up to date.
31. The wider issue of contact centre funding was covered in the previous section of this response, on recommendations 467 and 468 of the Stage 1 report.

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32. I note the Care Inspectorate concerns that notwithstanding the clear benefits that would arise from additional training and development opportunities for staff, there is a risk that some staff, particularly volunteers, might be unwilling to commit to this and that could create difficulties in terms of the sustainability of some services. We will continue to work with child contact centre service providers as work on regulatory standards continues to try and mitigate this potential risk.

33. I also note what the Care Inspectorate suggest about requiring individual paid staff to be registered with Scottish Social Services Council. The Care Inspectorate say this would involve payment of an initial registration fee and an annual fee, and that there is a risk that if this cost falls to individuals or services this could create difficulties. I will consider this, and the potential costs involved, as the regulation standards are developed.

Recommendation 3 - *We recommend that Scottish Government considers making funding available to support the development of child contact centre accommodation, as provided for in the financial provisions of the Bill.*

Scottish Government response

34. I agree with this recommendation. Paragraphs 110 to 112 of the Financial Memorandum set out that the estimated costs associated with accommodation standards will be between £0.44m and £2.2m. I expect this cost would be a one off cost falling in 2022/23 (when the regulations are expected to come into force) as centres adapt their accommodation to meet the required standards. The wider issue of contact centre funding was covered in the previous section of this response, on recommendations 467 and 468 of the Stage 1 report.

35. I note the Care Inspectorate concerns that notwithstanding any financial support that is made available, there is a risk that some premises would be unable or unwilling to adapt to meet the required standards resulting in the closure of some services. We will continue to work with child contact centre service providers as work on regulatory standards continues to try and mitigate this potential risk.

Recommendation 4 – *We recommend that the appointed body develops a bespoke quality improvement framework for the scrutiny of contact centres, subject to being fully resourced to do so.*

Scottish Government response

36. I note this recommendation. The Financial Memorandum set out the expected tasks that the body appointed to oversee regulation may need to undertake. This includes laying down the process under which the body would oversee the standards, carry out inspections and publish reports. The Financial Memorandum also recognised that the body appointed may need to have some staff in place in the year before the regime is due to commence in 2023/24 to undertake the set up tasks.

37. The full details of the functions of the appointed body will be set out in the regulations. These regulations will include a full Business and Regulatory Impact Assessment on costs

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38. Officials will engage with the body that is appointed and discuss the potential development of a bespoke quality improvement framework, and the resources required for this, taking account of the information provided in the Care Inspectorate feasibility report in this regard.

Recommendation 5 - *We recommend that Scottish Government considers appointing a professional oversight body for contact centres.*

Scottish Government response

39. I note this recommendation.

40. The suggestion here is that a body with responsibility for professional oversight of the contact centres and the development of overarching guidance, but distinct from the regulation body, should be put in place. This would appear to be similar to the National Association of Child Contact Centres covering England, Wales and Northern Ireland.

41. The Bill gives the Scottish Ministers the power to appoint a body to oversee the regulation standards for child contact centres. The intention is that there will be an independent inspection regime to ensure that contact centres meet the required minimum standards.

42. At this stage, I do not see the need for the Scottish Government to appoint a professional oversight body for child contact centres.

43. We will, of course, continue to encourage child contact centre providers themselves to lay down their own standards. At present, the Relationships Scotland network operates 42 of the 45 contact centres in Scotland and there are three independent contact centres that are not part of the RS network. The contact centres operated by RS network follow national standards and practice procedures and RS has policies in place which cover a range of issues. The independent centres have their own policies and procedures in place.

44. I would expect child contact centre providers will wish to develop their own standards further as proposals are put forward for statutory regulation. As a consequence, providers themselves may wish to consider if a body with professional oversight of these standards should be set up, in addition to the planned statutory regulation of child contact centres.

Recommendation 6 – *Should the Care Inspectorate be appointed as the regulatory body for child contact centres, we recommend that inspections be undertaken by early learning and childcare teams.*

Scottish Government response

45. I agree with this recommendation.

46. If the Care Inspectorate are appointed as the regulatory body for child contact centres, their early learning and childcare teams would appear to be the appropriate teams to carry out inspections.

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Recommendation 7 – *Should the Care Inspectorate be appointed as the regulatory body for child contact centres, we recommend that suitable training is provided for registration, inspection and complaint staff to support an understanding of contact centres and the complex work undertaken by staff.*

Scottish Government response

47. I agree this recommendation. In the Financial Memorandum we estimated that there would be set up costs in relation to the body appointed to oversee regulation in the year before regulation (ie in 2022/23) of £0.49m, followed by ongoing costs of £0.43m. It is anticipated that most of these cost will relate to staffing.
48. At least in part, some of the ongoing costs could be off-set by a registration and inspection fee charged to child contact centre services.
49. The Financial Memorandum recognised that it is reasonable to assume that the body appointed would need to have some staff in place in the year before the regime is due to commence in 2023/24 in order to undertake some of the set up tasks, e.g. recruiting inspectors and support staff, writing policies, and ensuring necessary support functions are in place.
50. The full details of the functions of the appointed body will be set out in the regulations. These regulations will include a full Business and Regulatory Impact Assessment on costs. My officials will work with the body appointed to carry out the regulatory role to discuss with them what is required in terms of additional staff training.

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The Scottish Government should provide details on the steps it will take, as part of its wider commitment to support the use of ADR, to encourage where appropriate people to use ADR to resolve issues around breach of contact orders

51. As I noted in my response to the Stage 1 report, the Scottish Government recognises that mediation, and other forms of dispute resolution outwith court, can play a valuable role in helping to resolve family disputes and we will continue to support the use of alternatives to court in appropriate cases. However, we fully recognise the concerns that mediation should not be used when there has been domestic abuse, sexual violence or gender based violence.
52. In the Family Justice Modernisation Strategy I've committed to issuing guidance to individuals on alternatives to court. This will include information on the potential use of ADR to resolve issues around breach of contact orders.
53. I recognise that in practice it may be possible for the parties themselves to sort out disagreements on how a contact order (or non-court arrangements on contact agreed by the parties) can be complied with. The Stage 1 report notes points put forward by Shared Parenting Scotland (paragraph 497, on parenting co-ordinators) and by the Children and Young People's Commissioner (paragraph 499, noting that mediation or family group decision making could be used, while recognising that such methods may not be appropriate in cases involving domestic abuse).
54. The Scottish Government will seek views from key stakeholders, including children and young people, on what the planned guidance on alternatives to court should say on the use of ADR to resolve issues when contact orders or arrangements are not complied with.

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The Committee notes the concerns raised by SWA and others about how the existing factors in the 1995 Act have been reproduced in the Bill. The Committee asks the Scottish Government to respond to these concerns before Stage 2 and consider whether the Bill should be amended to reflect the definition of domestic abuse in the Domestic Abuse (Scotland) Act 2018 which includes coercive control.

55. I appreciate the concerns raised by Scottish Women's Aid (SWA) regarding the definition of domestic abuse in the 1995 Act. Officials have discussed this further with SWA since our response to the Stage 1 report has been published.

56. Currently, the 1995 Act lists the need to protect the child from any abuse as one of the matters the court must have regard to when considering an order for contact or residence. The 1995 Act goes on to say that "abuse" includes "domestic abuse". This is set out in sections 11(7A) – (7E) of the 1995 Act, as reproduced in section 1(4) of the Bill:-

"(7A) In carrying out the duties imposed by subsection (7)(a) above, the court shall have regard in particular to the matters mentioned in subsection (7B) below.

(7B) Those matters are—

(a) the need to protect the child from—

- (i) any abuse; or
- (ii) the risk of any abuse,

which affects, or might affect, the child;

(b) the effect such abuse, or the risk of such abuse, might have on the child;

(c) the ability of a person—

- (i) who has carried out abuse which affects or might affect the child; or
- (ii) who might carry out such abuse,

to care for, or otherwise meet the needs of, the child; and

(d) the effect any abuse, or the risk of any abuse, might have on the carrying out of responsibilities in connection with the welfare of the child by a person who has (or, by virtue of an order under subsection (1), would have) those responsibilities.

(7C) In subsection (7B) above—

"abuse" includes —

(a) violence, harassment, threatening conduct and any other conduct giving rise, or likely to give rise, to physical or mental injury, fear, alarm or distress;

(b) abuse of a person other than the child; and

(c) domestic abuse;

"conduct" includes—

(a) speech; and

(b) presence in a specified place or area.³

57. Section 1 of the Domestic Abuse (Scotland) Act 2018 (the 2018 Act) contain an offence of abusive behaviour towards a partner or ex-partner which a person commits where they engage in a course of abusive behaviour against a partner or ex partner, provided that a reasonable person would consider the course of behaviour likely to cause the victim to suffer physical or psychological harm and that the person committing the offence either intended or was reckless as to causing that harm.

58. Section 2 of the 2018 Act makes provision about what constitutes abusive behaviour:

- “(1) Subsections (2) to (4) elaborate on section 1(1) as to A's behaviour.
- (2) Behaviour which is abusive of B includes (in particular)—
- (a) behaviour directed at B that is violent, threatening or intimidating,
 - (b) behaviour directed at B, at a child of B or at another person that either—
 - (i) has as its purpose (or among its purposes) one or more of the relevant effects set out in subsection (3), or
 - (ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects set out in subsection (3).
- (3) The relevant effects are of—
- (a) making B dependent on, or subordinate to, A,
 - (b) isolating B from friends, relatives or other sources of support,
 - (c) controlling, regulating or monitoring B's day-to-day activities,
 - (d) depriving B of, or restricting B's, freedom of action,
 - (e) frightening, humiliating, degrading or punishing B.
- (4) In subsection (2)—
- (a) in paragraph (a), the reference to violent behaviour includes sexual violence as well as physical violence,
 - (b) in paragraph (b), the reference to a child is to a person who is under 18 years of age.⁴”.

59. I appreciate the concerns raised by SWA that the language in the 1995 Act should reflect the language in the 2018 Act. However, I would have a number of concerns about doing that.

60. In particular, the definition of abuse in the 1995 Act and the Bill is wider than domestic abuse.

61. Replacing the words “domestic abuse” in section 11(7C)(c) of the 1995 Act with a reference to the offence in section 1 of the 2018 Act may have the effect of narrowing the definition so that the court is required only to have regard to a conviction for an

³ <http://www.legislation.gov.uk/ukpga/1995/36/section/11>

⁴ <http://www.legislation.gov.uk/asp/2018/5/section/2>

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offence under section 1 of the Domestic Abuse (Scotland) Act 2018. Section 11(7C)(c) of the 1995 Act currently allows flexibility so that regard is had to allegations of domestic abuse as well as to convictions for domestic abuse offences under various enactments not limited to the Domestic Abuse (Scotland) Act 2018. In 2018/19 there were 60,641 cases of domestic abuse recorded by the police in Scotland⁵. During the same period there were 9,210 convictions with a domestic abuse identifier⁶. Therefore, the proposed change in the language of the 1995 Act might risk domestic abuse not being required to be taken into account in a number of section 11 cases.

62. It is considered that “abuse” as presently defined in section 11(7C) of the 1995 Act includes (but is not limited to) the types of behaviour described in section 2 of the Domestic Abuse (Scotland) Act 2018 which are criminalised by section 1 of that Act. The existing definition also includes domestic abuse offences under other enactments, such as section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.
63. The Domestic Abuse (Scotland) Act 2018 is about tackling domestic abuse generally – including cases where children have not been affected – whereas the 1995 Act is about the child.

⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2020/02/domestic-abuse-scotland-2018-2019-statistics/documents/domestic-abuse-recorded-police-scotland-2018-19/domestic-abuse-recorded-police-scotland-2018-19/govscot%3Adocument/domestic-abuse-recorded-police-scotland-2018-19.pdf>

⁶ <https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/>

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The Scottish Government should amend the Bill at Stage 2 to make it clear that it is up to the child whether to express a view, as it currently clear in the 1995 Act.

64. I note the comments by Professor Sutherland in her oral and written evidence to the Justice Committee on the Bill.
65. I believe that if a child wants to give their view on who they live with or have contact with then they should be offered a suitable opportunity to do so. With the appropriate support even very young children are able to give their views. However, I am clear that if a child does not want to give their views then they should not be required to do so. The Bill as currently drafted requires the decision maker to give the child an opportunity to express their views. It is only an opportunity and so there is no obligation on a child to give their views and of course they may say that they do not want to do so.
66. In the Family Justice Modernisation Strategy I committed to produce guidance for parties and children on the court process. I would intend to reiterate in this guidance that a child does not have to give their views if they do not wish to do so. I would also propose to include this in guidance for children on Child Welfare Reporters.

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The Scottish Government should provide further details on how the changes which will result from the Independent Care Review will enable local authorities to fulfil the duty in section 10 of the Bill. This should include information on proposed timescales and specific budgets that will be provided to individual local authorities for the purposes of promoting sibling contact

67. The Independent Care Review reports⁷, published in February 2020, call for a radical overhaul of the current care system and the Scottish Government has been clear in its commitment to deliver the vision and Promise set out by the Review. One of the foundations of the new approach will be to ensure that sibling relationships are maintained. The changes associated with the Independent Care Review are, therefore, likely to support local authorities to deliver the duty in section 10 of the Bill in the longer term.
68. The First Minister committed the Government on the 5th February to work with all of its energy and focus, along with local authorities, care providers and all relevant stakeholders, to make the changes to the care system that the Independent Care Review considers necessary and to deliver that change as quickly and as safely as possible
69. On Thursday 21 May 2020 the Deputy First Minister announced to Parliament the appointment of Fiona Duncan as Chair of the Care Promise Oversight Board. (The independent oversight board recommended by the care review). Progress with implementation has been delayed due to the Covid19 crisis.. However, the Scottish Government will work closely with Fiona Duncan to ensure she has everything in place that will be required to deliver “The Plan” in partnership with the wider sector and as set out as part of the Independent Care Review’s final reports.
70. The care review report ‘FOLLOW THE MONEY⁸’ provides reassurance that there is money in the system this year’s Local Government Settlement (funding by the Scottish Government and Council Tax 2020/2021) for example makes provision for about £400 million in the area of children’s social work, - so it is the way that the money is being spent that is the issue, and that is likely to be an area that we can expect to be a focus as we see implementation plans being developed in the months ahead.
71. The Scottish Government remains fully committed to deliver on its pledge to care experienced people in Scotland by accepting and responding to the care review conclusions and to put into place quickly the infrastructure to develop and deliver an Action Plan to implement the outcomes reached.

⁷ <https://www.carereview.scot/destination/independent-care-review-reports/>

⁸ <https://www.carereview.scot/wp-content/uploads/2020/02/Follow-the-money.pdf>

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot