



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 20 April 2017

Session 5



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EQUALITIES AND HUMAN RIGHTS COMMITTEE

10th Meeting 2017, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

- *Jeremy Balfour (Lothian) (Con)
- *Mary Fee (West Scotland) (Lab)
- *Gail Ross (Caithness, Sutherland and Ross) (SNP)
- *David Torrance (Kirkcaldy) (SNP)
- *Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Angela Constance (Cabinet Secretary for Communities, Social Security and Equalities)
- Helen Happer (Care Inspectorate)
- Thirza Wilson (Care Inspectorate)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 20 April 2017

[The Convener opened the meeting at 09:18]

Interests

The Convener (Christina McKelvie): Good morning and welcome to the 10th meeting in 2017 of the Equality and Human Rights Committee. I make the usual request that mobile phones are either switched off or put on to flight or silent mode. We have not received any apologies this morning, so we fully expect our colleague Alex Cole-Hamilton to be here.

Our first item is to welcome our new committee member, Gail Ross, and to ask her whether she has any interests to declare in relation to the work of the committee.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Thank you for the welcome, convener; it is good to be here. I am a board member of North Highland College, University of the Highlands and Islands, patron of Home-Start Caithness, and parliamentary liaison officer to the First Minister.

The Convener: Thank you and welcome to the committee. We look forward to working with you.

Destitution, Asylum and Insecure Immigration Status

09:20

The Convener: Item 2 is our substantive inquiry on destitution, asylum and insecure immigration status. We will have two panels with us this morning. The first of those panels is from the Care Inspectorate. We are pleased that our witnesses could be here. They are Helen Happer, chief inspector, and Thirza Wilson, service manager for registration and inspection.

I am very pleased that you could come along. You will have realised that this inquiry started out quite small and has broadened out. Some of the reasons for that were to do with inspection in care and how we monitor and audit how we look after people. I am keen to hear from you about the work that each of you does and then members can ask their questions.

Helen Happer (Care Inspectorate): I thank you for the invitation to participate. We welcome that.

The Care Inspectorate is Scotland's independent care regulator. We register and inspect a wide range of care services across the country. With colleagues from other scrutiny agencies, we carry out joint inspections of how well health and care partnerships are improving outcomes for older people in their communities. With a wide range of four scrutiny partners, we conduct joint inspections of how well community planning partners are supporting good experiences and outcomes for children and young people. That programme of work will conclude at the end of this year.

We engage with local authorities and integration joint boards on their roles in assessment and planning and as providers and commissioners of care services.

My role as chief inspector of strategic scrutiny in the Care Inspectorate is to be responsible for our joint inspection work. My colleague Thirza Wilson has particular responsibility for inspection of regulated care services for children and registration of those services.

The Convener: Thank you. Thirza, do you want to give us a wee insight into the work that you do?

Thirza Wilson (Care Inspectorate): I lead the registration teams that register all care services, both those for children and those for adults. I have been involved in making sure that the services that local authorities provide for unaccompanied asylum-seeking children are fit for purpose and suitable for the young people.

The Convener: Thanks very much. As I say, it is great to have you here today. The committee has been on quite a few visits to different groups and organisations to look at the work that they do. Members across the committee all have different experiences within and outwith politics in some of those areas, so we are interested in the work that you do on regulation and inspection and ensuring that high standards of care are in place.

A key issue that we have picked up during the inquiry is unaccompanied young people, age assessments and disputes over those assessments, as well as specific accommodation and how long a corporate parent should stay in place. There is a whole thread with different avenues going off it into which we feel that we should shine some light. The opening question for the committee is therefore about your experience of the work that you have done in relation to unaccompanied young people in the regulated services that you look after. Are there any pitfalls or tensions? Is there any good practice out there that we could highlight in our report?

Helen Happer: I will start by saying something about the joint inspections, and Thirza Wilson will then say something about our regulated care service work.

In our joint inspections, we look closely at the journeys of young people who are looked after and who are vulnerable for a number of reasons. Some are looked after in different settings and some might be subject to child protection measures or be vulnerable for other reasons.

The number of unaccompanied children and young people whom we have come across in our inspection work is very small. The numbers are variable, depending on the area of Scotland in which we have been working. In some areas, a larger number of young people fall into that category, and in other areas there are no such young people at all. We therefore do not have enough evidence to draw broad conclusions and identify broad trends.

What we can say is that we see local authorities taking very seriously their responsibilities to meet the needs of those young people, however they present: whether they have arrived more recently as part of a planned migration to Scotland or presented spontaneously, and whatever different experiences they have had.

Thirza Wilson: I agree with what Helen Happer said. The numbers so far have been very small, but some of the local authorities have been very proactive in thinking ahead. They are thinking about what they can do if they are presented with those young people, and about the best way they can support them in their area. My role in the team that I work with involves working with local

authorities to support them to be innovative and to provide the kind of support that those young people need. The situation is variable at the moment, but the numbers are very small.

The Convener: We have found some disparity between local authorities and even between local offices, with slightly different procedures and policies in place for vulnerable families, especially where young children are involved. We will probably interrogate some of that with the Cabinet Secretary for Communities, Social Security and Equalities later in the meeting. Have you experienced such differences in the interpretation of policy? I will be diplomatic about that, because it is a question of how different local authorities have interpreted policy. Have you seen any disparity within local authorities, between area teams and local offices?

Helen Happer: It is certainly fair to say that, in general terms, we know that assessment, which is at the heart of understanding children's needs, is very variable between and within local authorities. The territory is very complicated—the legislation is complicated, and the rules are very complicated and change quite a lot. I feel that improved guidance would be helpful, in particular for local authorities for which such presentations are not an everyday occurrence.

It is important to appreciate that a statutory status should not be the determinant in meeting children's needs. We would want and expect local authorities to assess individual needs thoroughly, robustly and appropriately and to find ways to meet those needs. Children and young people who are migrating and who appear before local authorities have different needs—indeed, unique needs at times. Those needs must be properly assessed, and services must be put in place to meet them. That does not hinge on one particular route. That may explain some of the variability: local authorities are actually engaging in best practice in assessing and trying to meet needs.

The Convener: We will dig into that a bit deeper, but first I open up the session for questions. Mary Fee can go first.

Mary Fee (West Scotland) (Lab): I am pleased that both the witnesses could join us this morning.

We have heard a lot of evidence as we have been doing the inquiry, and a couple of specific areas have caused me considerable concern. Helen Happer touched on one of those areas—the issue of evidence—in her answer to the convener. What concerns me is the lack of data, the way in which data is collected, the type of information that is collected and the way in which it is used. Helen, do you want to expand on your comment about evidence? Have you come across adequate data

collection, where the information is used to build services to provide the support that people need?

Helen Happer: Local authorities are under no obligation to tell us that they are providing services for unaccompanied children and young people, unless they are seeking to register a service or vary an existing registration of a care service. We do not have a complete picture of which local authorities across the country are looking after young people who are unaccompanied, of where those young people are or of what services are being provided for them. I can see that it might be very useful for the Scottish Government to have a better system for collecting that kind of information. Our information comes from our inspections and inspection evidence, and that will entirely depend on where young people are, how often we are inspecting and what we are seeing. That is what I mean by our evidence.

09:30

Mary Fee: If the data is not collected in the same way across the country, you will get a different picture anyway.

Helen Happer: Yes.

Mary Fee: It is really important that, however the data is collected, it is collected in the same way regardless of local authority area. That helps to build on whatever support is offered.

Helen Happer: We know that, in general—not thinking specifically about this group of children and young people—community planning partners operate in very variable ways in collecting information about children and young people and in how they use that information as an assessment, to build on the services that they have and to decide what to invest in and what not to invest in. Some partnerships are quite sophisticated in what information they collect, whereas others are much further back in that journey. That would apply generally, not just to this group of children and young people.

Mary Fee: Do you have any evidence of communication and co-operation between organisations across Scotland in sharing that information? We have heard about differences in how information is shared. Do you have any information on that?

Helen Happer: Local authorities are very willing to look for help from others when they are presented with something that is unusual for them. Glasgow, for example, has a much longer tradition than any other local authority, and it has much greater numbers, so Glasgow City Council has far more experience in catering for this group of children and young people. People in local authorities will often lift the phone to try and find

someone to help, describing a situation that has presented that day and saying that they wish to meet the needs of a young person.

Over the past few months, there has been some very useful sharing of good practice and information, through the Convention of Scottish Local Authorities and through seminars. That has been very much welcomed, and there has been a buzz around that. It would be helpful for that to be stimulated and supported. It can be isolating to be in one small place and then suddenly to be faced with a situation to respond to.

Mary Fee: When COSLA representatives came to give us evidence, they were keen to tell us of the work that COSLA had done with the Syrian refugee programme. The good work that it has done should be acknowledged. Those at the top level of COSLA are more than happy to tell us about all the policies and guidance that it has in place and the joint working that it does. It is almost a case of the all-singing, all-dancing “Everything works perfectly.” However, we have heard conflicting evidence that that is not happening on the ground. There is almost a disparity in what has been shared, and things are not filtering down. That leads on to the point that the convener made at the beginning. It is about the way in which the policies are used, rather than the policies themselves.

Some evidence that we have heard suggests that the guidance that local authorities have needs to be updated urgently, with the help and support of partner organisations. Do you have a view on that?

Helen Happer: I absolutely agree that updating guidance and so on is very helpful, but it is how that guidance is disseminated and used that is critical. That can happen only at local level. It happens with good leadership, and with a concerted effort to say that this issue is very important and we are driving things through. There are so many things that the average social worker on a duty team who is faced with something must try to get a grip of and deal with. It is a matter of social workers having very simple routes for getting accurate information and an accurate understanding of what might be in front of them, and having some help and support with that.

Mary Fee: My view is that guidance should be almost a living document. It should not be something that sits on a shelf and gathers dust. That has been one of my biggest concerns. There is acknowledgement that the guidance is there, and it is refreshed and updated, but it is almost a tick-box exercise for it to be refreshed and updated, and we then move on to something else, and nothing is done. I am also quite concerned about what is almost a postcode lottery in the care

and the support that are available across the country. Have you come across that situation?

Helen Happer: We know that performance in meeting children's needs is variable, although I would not use the term "postcode lottery". We have published a number of reports that have indicated that there is still a lot of work to do to bring everybody up to a level at which needs are well met—and consistently well met, not just across but within areas.

The Convener: That leads me on to a brief supplementary before I bring in other members. We heard evidence from an asylum-seeking young woman, who had a support person with her. She had gone through many systems and appeals, but she was able and supported enough to make complaints when the system had failed. However, we have heard other evidence. We are talking about a group of people who are already a bit afraid of authority and of statutory bodies and organisations. They may be afraid of telling their whole story because of the impact that it may have on them. Many of them told us that they would not go down the route of following a complaints procedure.

As an inspectorate, therefore, how do you get the evidence? If a care home for older adults was not treating its residents very well, for instance, you would hear about that. In this instance, however, it is unlikely that you would hear about what happens unless you get information anecdotally from third parties or support organisations, and it would be difficult for you to interrogate that information. How do we resolve that? The people to whom we spoke said that they would not complain when they had received bad service or had been given bad advice or information. How do we fix that? It is part of the problem.

Helen Happer: It is probably worth prefacing my answer by saying that we are aware that we receive relatively few complaints from children and young people about care services in comparison to the number of complaints that we receive about older people's services. There are probably a number of factors at play in that regard. Those may include young people not using a formal route; our profile invisibility with young people; and the fact that young people have other routes by which to complain—through Who Cares? Scotland or other advocacy services, for example. It may also be the case that young people receive good services; we are not making any assumptions about that.

As part of our organisation's corporate parenting approach, we are looking at the whole area of how we engage better with young people in order to ensure that we have an ear for them. As part of our continual revision of inspection methodology,

we are looking at how we support our inspectors to spend more time in and around services to enable them to have a listening ear and observe what is going on for young people, because we know that young people do not necessarily use the same routes as older people to tell us what they think. That is an area of work for us. I do not know whether Thirza Wilson wants to come in on that.

Thirza Wilson: We are also using inspection volunteers—young people who have been through the system themselves—as part of our inspection methodology. They can engage with people who are receiving services. We are looking at different ways to ensure that we are accessible to young people.

The Convener: We heard evidence from some very vulnerable families who, when they were faced with difficult situations, were told—by a duty social worker in an area team or local office, for example—that if things got difficult and they became destitute and ended up living on the streets, the local authority's only responsibility was to the children, and therefore it would take the children into care. The last thing that that family would do is make a complaint to the social work complaints authority or to you at the Care Inspectorate, because they would feel like they were exposing themselves even more to a system that wants to take their children into care. We heard that not just from one family but from a number of families, which is extremely concerning. How does the Care Inspectorate ensure that there is a safe place for that family to make that complaint, so that they do not feel more vulnerable and more at risk of losing their kids?

Helen Happer: We know that there is a need for more advocacy services for children and young people and for families who might be in that situation. The third sector often plays a very important role in advocating for children and young people.

On the point made by the convener, local authorities are often placed in very invidious positions because of the legislation. There is a very nuanced message there about what a local authority might be able to provide by way of support to a family under the legislation, in that it can provide support to the child but not to the adult unless that would breach the child's human rights. That is a very complicated and nuanced message, so I accept that it is a very difficult one to give to somebody, particularly if local authorities are struggling to find interpreters and so on.

The Convener: Thank you. Alex Cole-Hamilton has a question.

Alex Cole-Hamilton (Edinburgh Western) (LD): Thank you, convener, and my apologies for

my late arrival. Good morning to the panel. I thank you very much for coming to see us.

I should start by declaring an interest, in that, before I came to this place, I worked for an organisation that delivered Scotland's guardianship service for unaccompanied asylum-seeking children. I was also convener of the Scottish Alliance for Children's Rights.

As you represent the Care Inspectorate, which is the principal line of inspection for social work in this country, I am very keen to hear your views about the knowledge that individual social workers have. They are on the ground, operating right across Scotland, both at points of entry to the United Kingdom and also in big metropolitan areas where unaccompanied asylum-seeking children will present. What is your view of the knowledge base of social workers on what to do when an unaccompanied asylum-seeking young person—whose age might be in dispute—presents to social work services? I am thinking about the application of sections 22 and 25 of the Children (Scotland) Act 1995 and the obvious vulnerabilities, particularly if there is a suspicion that that young person has been trafficked.

Helen Happer: We do not have inspection evidence to draw on for that, so what I will give you is really quite impressionistic, from our network of contacts with local authority services. It is important to say that at the beginning.

It is a very complicated area and, as we said earlier, in areas such as Glasgow, where there are specialists in the field and where the numbers have been substantial, there are places for workers to go and get such support and advice quite readily. For other areas that have had very few presentations of young people—perhaps none—it would be unwise to feel that everybody has all the knowledge that they need.

However, knowledge is one thing; practice confidence is another. If someone is in a situation where they will only very rarely have a presentation of a family or a young person, we cannot rely on their having been given a piece of information or having attended some training perhaps two years previously. We have to find ways of having live documents and networks of support that people can draw on in order to be able to practise confidently.

Alex Cole-Hamilton: Thank you. In social work practice—irrespective of whether it is about asylum or anything else—is there an operational culture for when a social worker, who might be junior or senior, is not entirely sure what to do in a situation? Is there a culture or practice of phoning a friend or a national body such as yourselves or Social Work Scotland? Is that something that permeates the culture of social work in Scotland?

Helen Happer: It is. It would be false to think that social workers are out there just working in a vacuum. They work within a duty system and with managers who they are able to call on, and so on. However, as I have said, where we have quite specialist needs, it is about knowing who to call and being able to access them at any particular time.

There are some fundamentals of good practice for assessment—whatever is being assessed. For children and young people, the structures that are in place around looked-after children, particularly if they are accommodated, and some processes that have been put in place to support the implementation of getting it right for every child, are useful mechanisms and structures for social workers to use in making decisions and involving their multiagency partners in doing so. In one area of Scotland that we have come across, services are using the existing standard child protection systems—which are a multiagency structure for involving social work and other agencies in considering concerns about children—whenever a child presents who may have been trafficked, because that would be considered a child protection issue. It is early days, but that seems to be a really helpful framework.

09:45

Alex Cole-Hamilton: It is gratifying to hear that.

We are in a changing landscape in respect of the way in which we treat any asylum seekers or victims of trafficking, particularly with the nascent Human Trafficking and Exploitation (Scotland) Act 2015. When I worked with the Aberlour Child Care Trust, we were involved with the case of two young guys from, I think, Vietnam who had been arrested as part of a cannabis cultivation farm although they had been victims of trafficking. Despite the Lord Advocate's guidance of the time, they were held in HMP Polmont. We had to work closely with the Children and Young People's Commissioner Scotland, the Cabinet Secretary for Justice and the Lord Advocate to get them released.

Subsequent to that, the Lord Advocate changed the guidance to instructions to clarify that nobody should be deprived of liberty in such situations. Are social workers clear about that? I am not entirely sure that that is the case throughout the justice system, including the police, but it would help to know that social workers were absolutely clear about the rights of, and instructions on, asylum seekers—particularly victims of trafficking—in that regard. Are you confident that the channels of communication are sufficient and that that information has been disseminated down to the social workforce?

Helen Happer: I am sorry, but I am not able to give you a direct answer on that. The 2015 act is helpful in clarifying the matter. Child protection procedures are constantly being reconsidered, updated and disseminated with the same caveats about which we spoke earlier. Writing a policy and updating a document is one thing, but disseminating it is helpful. However, it is really helpful to get the understanding and appreciation that, when children present and we do not know their background or what their experience has been, it is a child protection issue and should be dealt with under child protection measures. For older young people, the interface between child protection and adult protection is and will remain a difficult issue.

Jeremy Balfour (Lothian) (Con): You might not be able to answer this question, so please feel free to say so.

We have heard evidence over the past few weeks that the Syrian people coming to Scotland have been treated well and that there has been a lot of joined-up thinking between local government, the national health service and the Scottish Government. Do you agree with that? Has that been your experience? Is it simply due to money or does something more underlie the reason why that has worked and why the system perhaps works less well for somebody who arrives by themselves?

Helen Happer: I am not able to answer that question fully and I certainly cannot answer the bit about whether it is about money.

Towards the end of last year, when there was a lot of publicity on the pending closure of the transit camps in France and Belgium, there was a concerted effort and a lot of discussion among local authorities about what the response might be. That stimulated people's thinking and discussion, which meant that more thought was put into what people might do and that there was time for preparation. That certainly stimulated some discussion with us.

Thirza Wilson: I agree with Helen Happer. Once we realised that we might get quite a lot of young people from France, there was a lot of support from local authorities and discussion with each other about the best way in which we could support those young people. The best way of supporting them when they got here depended on the age of the young people and what their circumstances were.

Jeremy Balfour: I have a very different second question. Until I read the papers for the meeting last night, I did not fully understand your role in all this. How do you advertise yourself? How would a vulnerable child or family in Glasgow, Edinburgh or wherever get to know about you? Who would

point them towards you? If we did not know that you have a role in this, a lot of other people will not know that.

Helen Happer: We have quite a visible presence in our care services, and some young people will already be using those services. We also have a website and quite a high profile in lots of areas around the country. It is more challenging to say what our profile might be with a vulnerable family that is not currently using a care service. That is a difficult question to answer. However, the Care Inspectorate does not have a locus in taking complaints about social work services in general; we have a locus in taking complaints about care services, which is why our presence is within care services.

Jeremy Balfour: Thank you.

Mary Fee: I want to explore a bit more the approach of getting it right for every child. You may not be able to answer this question, but I would be interested in hearing any view that you could give. If GIRFEC works correctly, it should adequately and fully support a child. The young people and adults that we have met through the inquiry have, on the whole, said that they have had a very positive welcome when they have been settled in a community. Nevertheless, we have heard examples of on-going discrimination, which has had a huge impact on the young people's mental and physical welfare.

Is there enough within the structure of GIRFEC to allow a holistic approach to be taken? It is not about meeting just the physical or material needs of a child or a family; it is about making sure that they are emotionally supported and that they are properly supported emotionally in the community. If they are not properly supported in the community, that can have a massive impact on their welfare. Is there enough in the existing structures to branch out into community organisations to ensure that anything that is picked up is fed into them?

Helen Happer: Quite a lot of our inspection evidence tells us that one part of the GIRFEC approach that is working well is the embracing of the eight wellbeing indicators for children as a vehicle for creating a common language around how to meet children's needs. When people get together to consider children's needs and plan, that provides a shared language. The eight indicators of wellbeing include such things as identity, wellbeing, inclusion, respect, responsibility and so on.

We know that people find some indicators easier to get hold of than others. When it comes to health and safety, for example, people know what they are talking about, but it is much more difficult to talk about concepts such as respect and

responsibility. Nevertheless, those indicators are proving to be a helpful framework in which to start to think about that.

The GIRFEC approach is still being driven out across services and we would by no means be confident that all services have understood that the concepts are important and that they need to think in that way, so there is still much work to do in that regard. However, that framework itself is very helpful in taking us beyond just what is in front of us and we are starting to think much more about the parts of children's wellbeing that make for a positive, inclusive experience and help them go on to become happy, safe and confident adults.

The Convener: The subject of my question follows on from that quite nicely. You mentioned the Calais kids and the preparations that were put in place for them. We had the Children and Young People's Commissioner Scotland here a few weeks ago and he mentioned the issue of disputed age assessments, whereby young people being brought in through specific schemes are age assessed in England under a different policy and are regarded as adults and put through the adult system. They then arrive here, because the dispersal scheme brings them here, and we realise quickly that they are not adults but children.

We heard some evidence about the tensions involved in trying to change the status of such young people because the adult services will not meet their needs at all. Is that something that you have come across? Is there evidence of it? Are local authorities ready for that situation? I know that Glasgow City Council has done some work on disputed age assessments over the past few years, but how is information about that shared? Is the good practice that your inspection finds shared with other local authorities in order for them to ensure that the one, two or three young people that might come across their thresholds are cared for appropriately?

Helen Happer: We have no evidence around that. In Scotland, we view children as children for longer—that is built into our legislation. In our view, it is very positive that we would be looking to meet the needs of young people as children and young people, not just as younger adults. That brings its own tensions, but our view is that it is a more positive approach that allows a framework for more positive and age-appropriate experiences for young people.

The Convener: It is about how the immigration system determines status. You said in your opening remarks that status should not be an issue, but that in a lot of cases it is.

We hoped to have the Independent Chief Inspector of Borders and Immigration at committee or to take evidence from him via videoconference,

but all sorts of things came together that did not allow that to happen. However, we have got some really good information from the ICIBI, so we will work on that, too.

My colleagues and I have exhausted our questions to you—and almost bang on time, which does not usually happen. I thank you for your evidence. I make our usual request, which is that if you go away and think of something that you should have said, please just get in touch with the clerks. We will be compiling our report over the next couple of weeks in order to get it finalised and out into the public domain. Again, thank you so much for your evidence.

Helen Happer: Thank you. I look forward to reading the report.

The Convener: I suspend the meeting for a quick comfort break.

09:58

Meeting suspended.

10:09

On resuming—

The Convener: I welcome our second panel to give evidence on our substantive inquiry into asylum, destitution and insecure immigration status. Angela Constance, the Cabinet Secretary for Communities, Social Security and Equalities, will be supported by Lesley Irving, who is the head of equality policy in the equality, human rights and the third sector division, and Carolyn Younie, who is the head of corporate parenting and formal care. Good morning and thank you so much for coming along. This is the last evidence session in our inquiry, although we have on-going correspondence with many organisations, Governments, and parts of Governments, in order to get the most robust information possible.

I believe that the cabinet secretary wants to make a few opening remarks.

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Good morning, colleagues, and thank you very much for inviting me to give evidence to this important inquiry, which I believe will bring much-needed focus to destitution, asylum and insecure immigration status in Scotland.

As we know, asylum and immigration are currently reserved to the United Kingdom Government. That includes decisions on visa and asylum applications, and on accommodation and financial support for asylum seekers. However, the Scottish Government believes that when people come to live in Scotland they should be supported,

as part of our communities, to lead fulfilling lives. Destitution should never be an outcome of the asylum process. It is, to be frank, outrageous that people who are fleeing war, terror and persecution should end up destitute or homeless in the country where they have sought refuge and sanctuary. I very much agree with the other witnesses who said that destitution is built into the asylum system, whether through the rate that is set for asylum support, the length of time that people wait for support, or the ending of support for many people who are refused asylum. The situation will only get worse when the asylum support provisions of the Immigration Act 2016 are implemented and support is cut further.

I want to say a wee bit about the impact of destitution. First and most important, it is devastating for the people who are directly affected. Many people who are or have been in the asylum system have suffered trauma that we can barely imagine; for them then to find themselves homeless, penniless and so vulnerable must be absolutely unbearable.

Destitution impacts not only on the individual, but on our communities. We believe that asylum seekers and refugees should be welcomed and supported to integrate into our communities from day 1 of their arrival. That is the key principle of our new Scots refugee integration strategy. If people have to spend all their time fighting off destitution and are susceptible to exploitation, integration becomes impossible. That is, first and foremost, devastating for the individual, but it is also a big loss to our communities.

National and local government, the third sector and charities in Scotland are all literally paying the price of the UK Government's policies; they are all paying for the services and support that would not be required if people were not being left destitute by the asylum and immigration system.

The success of the Syrian resettlement programme shows what can be achieved when programmes are sufficiently funded, but it also shows that there is a chasm between the support that people who arrive on resettlement programmes receive and what is available to people in the asylum system, including those who have refugee status, which is a complete lack of support. That is driving the creation of a two-tier system and risks there being division between communities.

I am particularly concerned about the needs of asylum-seeking children—those who are unaccompanied and those who are with their families. I find it difficult to understand how the UK Government could be so heartless as to remove the route to safety that was provided by the Dubs amendment for the most vulnerable unaccompanied children in Europe. The Dubs

amendment provided the only legal route for unaccompanied children outwith the middle east and north Africa to reach the UK. With the news of the destruction of the camp near Dunkirk in a fire earlier this month, I fear that the plight of children without homes and without their families can only get worse.

I have said previously that unaccompanied children are ours: they are our kids, and the interests of all our children must always be paramount. The Scottish Government is working to ensure that all children receive the protection and support that they need; I am sure that we will discuss that later. I am happy to be here this morning to respond to members' questions as best I can, and I look forward to the committee's recommendations, in due course.

The Convener: Thank you, cabinet secretary. We will go straight to questions on many of the points that you have articulated in your opening statement.

10:15

David Torrance (Kirkcaldy) (SNP): Can you give me your views on the Syrian resettlement programme and the services for unaccompanied children?

Angela Constance: Overall, the Syrian resettlement programme has worked very well in Scotland. We were able to reach out and step up to the plate to offer support to Syrian refugees, and to respond quickly to participate in the Syrian resettlement programme. In large part, that was due to the new Scots strategy, which is a partnership strategy. The partnerships between local government and national Government and the Scottish Refugee Council already existed and we already held the view that integration must start from day 1, so we were in a good place to welcome refugees and to open our hearts and our doors. The Syrian resettlement programme has been a huge success overall. Thirty local authorities are participating, and 1,600 refugees from the programme have resettled in Scotland.

We should not be complacent. I have had the great pleasure of meeting many refugee families who have participated in the programme, and there are always things to learn from any process, even if it has worked well. Learning from the Syrian resettlement programme is important for how we refresh our new Scots strategy.

Thirty-five unaccompanied children have come to Scotland under the Dubs amendment, and 150 unaccompanied children have made their way to Scotland by spontaneous routes. Those children are supported by the guardianship service, with which I know committee members are familiar. The First Minister convened a round table a few

months ago on our attempts as a nation and as a country to galvanise support for unaccompanied children. All but five Scottish local authorities have expressed an interest in supporting unaccompanied children, so Scotland stands ready to do more. My officials are in discussions with the Home Office, because there are some barriers; there are, for example, issues around funding. Mark McDonald and the children's officials will take forward work on the national transfer scheme, so that we can welcome children who have already arrived in Kent. There is a lot of on-going work about doing more for unaccompanied children. As I said in my opening remarks, it is with great dismay that we find that the UK Government has turned its back on the Dubs amendment.

David Torrance: The Convention of Scottish Local Authorities gave us evidence of best working practices in the Syrian resettlement programme, but evidence that we have taken from others suggests that there is not the same level of service for other asylum seekers or refugees. How do we ensure that information and best working practices are shared across all local authorities, so that every asylum seeker and refugee gets the same level of services?

Angela Constance: The fundamental issue is that we are at risk of creating a two-tier system, as I said in my opening remarks. We have seen an exemplary programme; although it is not necessarily perfect in all cases, overall the Syrian programme has worked well.

We know that other routes into the asylum and immigration system have greater problems—that is perhaps the way to put it. There is a risk that we are creating a two-tier system: that is fundamentally not right. In our engagement with the UK Government about such things as the future of the contract for accommodation of asylum seekers, we are arguing strongly that integration support should be fundamental and should be part of support for accommodation. We should not look at support for refugees and asylum seekers to rebuild their lives in silos—finance, accommodation and integration, for example. The system should be end-to-end and holistic in the support that is offered to all refugees and asylum seekers, as opposed to there being bespoke programmes that work well. We cannot have a two-tier system.

Gail Ross: In her answer to David Torrance's first question, the cabinet secretary said that five local authorities have not participated. Did you mean that they have not participated in the resettlement programme?

Angela Constance: No. Thirty local authorities have participated in the Syrian resettlement programme, which is fantastic—30 out of 32 local

authorities is a tremendous response. Twenty-seven local authorities have expressed willingness and interest to do more to support unaccompanied children, which must also be commended.

Gail Ross: That is absolutely excellent, but it concerns me that some local authorities have not expressed an interest. Do we know why two local authorities are not participating in the resettlement programme?

Angela Constance: It is important that participation in programmes for the dispersal system is voluntary. Local authorities' reticence is in relation to the support—particularly financial—that is available for them to participate. There is an overwhelming desire to help, and concerns are usually around the immigration and asylum system. For example, unaccompanied children are, rightly, looked-after children under our legislation. Local authorities, as corporate parents, have responsibility for those children even when all rights have expired and the children have reached the end of the asylum process and been unsuccessful. That reticence is understandable, in part.

I would rather focus on the fact that 27 local authorities have said, "Yeah—we would be up for doing more to support some of the most vulnerable children in the world", and on the fact that 30 out of 32 local authorities in Scotland are participating in the Syrian resettlement programme.

Gail Ross: I agree—it is right to focus on that.

Do you think that the funding that is provided by the Home Office for unaccompanied children is enough?

Angela Constance: No, I do not. Work that has been undertaken by COSLA shows that there is a shortfall of about £10,000 per child per annum. Discussions are on-going between COSLA, the Scottish Government and Home Office officials, and there is some suggestion that the Home Office is reviewing levels of support. I have just written on a range of issues to Robert Goodwill, the UK Government's Minister of State for Immigration. As you can imagine, I write to the UK Government regularly—I have written about 12 letters since being in this post. I do not always get a reply, but that is another matter. We continue to engage with the UK Government and the Home Office, because we want to overcome barriers. Scotland stands ready to do more.

The Convener: For your information, cabinet secretary, we have invited Robert Goodwill to the committee and offered all sorts of ways to give evidence, but that invitation was not accepted.

Jeremy Balfour: Good morning, cabinet secretary, and thank you for coming along. I want

to follow up a wee bit on the points that have already been made.

We have heard from high-level COSLA chief executives and directors of local authorities that there is all this great practice, and that there are a lot of guidelines and bits of paper kicking around. However, we have also heard from individuals who have had very negative experiences of face-to-face contact with a social worker or some other officer. I appreciate that that is, in some ways, beyond your remit. Nonetheless, what can the Scottish Government do to help the undoubtedly good practice that exists filter all the way through so that, when someone pitches up on a Tuesday morning, they get the appropriate service that they deserve and to which they are entitled? For clarity, I should say that I am still a local councillor in City of Edinburgh Council.

Angela Constance: Good; so you are a corporate parent—like all of us, of course.

Jeremy Balfour: Yes.

Angela Constance: Jeremy Balfour has made a good point. As committee members have, I have met individuals and families. I visited the British Red Cross last week, and I have spoken face to face with families whose experience of front-line services has, it is fair to say, been less than exemplary.

Immigration is quite a complex area, of course, and it is difficult to get one's head around the laws and rules, including the rule about having no recourse to public funds. However, all of us—including the Scottish Government—have a responsibility to be very clear about what the law in Scotland says. Under the Children (Scotland) Act 1995, the rights and needs of the child are paramount. I know that the committee has discussed in great detail section 22 of the 1995 act, which makes it clear that children should be assessed in the context of the family. Section 25 refers to the need for unaccompanied children to be looked after, and more recent legislation—the Children and Young People (Scotland) Act 2014—is very clear about the continuing care and aftercare to which looked-after children are entitled. We need to be very clear about what the law says about children, and the law is clear.

However, the rules around having no recourse to public funds can muddy the waters for practitioners, because they change a lot. That is not a policy that is owned by the Scottish Government or by local government. I know that COSLA did a lot of work to produce guidance in 2012, but it is an ever-changing policy area.

My officials have discussed with the unaccompanied asylum-seeking children dispersal working group whether it would be helpful to have additional guidance on sections 22 and 25 of the

1995 act. The group is meeting officials again tomorrow; it is not pressing for additional guidance, but we will always consider such requests. However, I think that the law regarding children is very clear.

The situation regarding adults is much more complex and murky, because the Immigration and Asylum Act 1999 amended section 12 of the Social Work (Scotland) Act 1968 to remove the general welfare provision for asylum seekers. That leaves us reliant on—goodness me—the National Assistance Act 1948, which applies only in very particular circumstances that are not driven by destitution, as if destitution itself was not bad enough.

The law around having no recourse to public funds is very complex, but the law regarding children is clear. I am happy to consider any practical measures that would help. First and foremost, however, we should say that the law is clear and that our expectations are clear. The needs of children are paramount, and children must be assessed in the context of the family.

The Convener: That is a good segue into Alex Cole-Hamilton's question.

Alex Cole-Hamilton: Absolutely. Good morning, cabinet secretary, and thank you for coming to the committee. My question dovetails with the remarks that you have just made.

The law is clear in respect of children, but until recently the application of that law has not necessarily been as clear. For a number of years we were almost outstripped by England in respect of the precedent set by the Hillingdon judgment, which gave at-risk status to young, unaccompanied asylum-seeking children, to the point where they were in effect looked-after children.

10:30

We played catch up to a certain extent, although I think that we have got there now, but even so, the understanding on the ground, particularly among social workers, is not necessarily up to the standard that we would hope and expect. We still have a situation where unaccompanied young people seeking asylum at points of entry and in metropolitan areas present to social work services and are not necessarily dealt with under section 25 of the 1995 act, which is what we would all hope and expect, given their unaccompanied status.

Just before you came to the committee, I was struck by the revelation from the previous panel that the Care Inspectorate does not have any inspection data on the application of section 25 of the 1995 act in respect of young, unaccompanied

asylum seekers presenting to social work services. Is that a gap? Can we close that gap through guidance, policy and mandating the inspection regime to collect that data? What more can we do to ensure that social workers understand their responsibilities and, particularly in the grey area where age might be in dispute, presume that someone is the age that they say they are and need to be treated according to the section 25 provisions?

The Convener: That was just a short question, cabinet secretary.

Angela Constance: I will try hard to give a short answer and so avoid getting a row from the convener.

The issue about scrutiny is interesting and important. Scrutiny brings awareness, consistency and action. As part of the work that we have done under my portfolio and that of Mark McDonald we are in discussion with the Care Inspectorate because we want to find innovative ways to do more to help more unaccompanied children. However, we cannot have a dilution of standards—those children are ours and the same expectations and standards of care must apply to them. I will discuss with the Minister for Childcare and Early Years whether there is a need for better information.

There is an important point about scrutiny because, as Jeremy Balfour said, there is a risk in any service that there is a chasm between what the chief officers say in the glossy bits of paper and what happens on the ground. Given the way in which services operate, the issue probably applies more broadly than just to social work and there will be a need for other professions to be very clear about what the law says around children.

It is also worth highlighting that if a child who comes to Scotland has been deemed to be an adult by the UK immigration system and there is then a social work assessment that considers that adult to be a child, that assessment and the child's need for support stands. We need to be clear about that. I appreciate that age assessments are very complex and we can get into all sorts of ethical issues. We need to be careful not to breach people's human rights when carrying out age assessments. It is not easy work—it is a complex issue and can take some time to gather all the appropriate evidence.

I hope that that answer is helpful to the member.

Alex Cole-Hamilton: It is, thank you. We have a new trafficking act in Scotland, the Human Trafficking and Exploitation (Scotland) Act 2015. There are very particular needs around the interests and welfare of children who have been trafficked. The Lord Advocate has issued

instructions about presumption not to prosecute if such children are caught in criminal activity that they have been compelled to carry out. However, again, there is still a gap in understanding.

You are right to say that it is an issue for not just social work, but every point and organisation that might interact with those kids. It is important that such bodies are aware of the particular vulnerabilities of those children, particularly around re-trafficking, which is a small phenomenon but something that can happen if we do not get the support and provision right. As legislators and policy makers, can we do more to ensure that that knowledge gap is filled?

Angela Constance: Absolutely. The human trafficking strategy will be published in May this year. That obviously involves our justice colleagues. I hope that that gives the sense that much of this work has to be a cross-government endeavour. The point about the link between destitution and re-trafficking is very real.

Mary Fee: I will continue on the subject of guidance. There is a mismatch between the evidence that we have heard from COSLA and what we have heard from organisations on the ground. COSLA tells us that there is guidance, it is disseminated through the organisation and everyone knows what they should be doing. Organisations on the ground tell us that that guidance needs to be urgently refreshed, with input from all the partner organisations that are part of the process. I think that the guidance needs to be a living document, an A4 piece of paper that says, "If this is the need, this is what you do." After you have done that and you have supported the family or the young person, then you jump through all the hoops and you go through the tome that is the full guidance to work out what you are meant to do after that. We get caught up too much in huge big guidance documents that are refreshed almost as a tick-box exercise.

A really important part of guidance is the data that is collected. There is a huge mismatch with the data that is collected, the way in which it is collected and the way in which it is used. The data should be used to feed into the guidance to ensure that it is regularly updated and becomes a live document. How can you bring influence or change in those areas?

Angela Constance: Data is a really interesting area. There is lots of data that I would like to access and there are lots of questions that I ask all the time. For instance, I ask how many asylum-seeking children we have in Scotland with all rights expired. It is quite difficult—or impossible—to get that information from the Home Office, because the data is not managed on a devolved nations basis. I appreciate that there is frustration

in trying to get good solid data to inform our decision-making processes.

I am conscious that there are many different organisations with data of their own. I am conscious of the research that has been published by the British Red Cross council, which shows not just the increasing number of asylum seekers that the Red Cross has been working with but the increasing number and proportion of asylum seekers who are facing destitution. The Red Cross research was particularly stark.

I am also conscious about overburdening the British Red Cross and other organisations that are trying to deliver a service on the front line. We are open minded, with some caveats, to considering recommendations in the knowledge that data and information are important, but some of those challenges emanate from the Home Office, and I am conscious that we have front-line and third sector organisations that are trying to deliver a front-line service.

On the issue of guidance, I suspect that, considering the position regarding children and the law in Scotland, we probably could get to that A4 piece of paper. I am happy to discuss with COSLA and other organisations what would be helpful in that regard.

There are challenges around guidance on no recourse to public funds. The COSLA team that we co-fund, the migration population diversity team, has rightly been spending time working on issues around unaccompanied children and the Syrian resettlement programme. There is perhaps something around the no recourse to public funds forum that might enable us to get up-to-date information to the front line quickly. We are always happy to consider any reflections or recommendations from the committee.

Mary Fee: I have a further question about GIRFEC. This is a question that I asked the previous panel. The majority of people we have met while we have been doing this inquiry have had really positive outcomes when they have been settled in an area, but we have heard some quite distressing stories about discrimination and persecution. When GIRFEC works, it should meet all the needs of a child. If a child within a family has needs that are properly met, it has a huge impact on how the family settles and how the people feel about Scotland as the country that they have come to.

The previous witnesses said that the wellbeing aspects of GIRFEC are quite difficult to measure and cannot be easily assessed. Wellbeing is crucial, given the group of people we are talking about. We do not know the mental trauma and the other issues that they have faced and we need to make sure that they are adequately supported. Is

there a way that we can look at GIRFEC and its principles and make some changes to make it easier to understand and measure?

Angela Constance: The challenge for us all is that we are trying to make it all easier to understand so that the principles that we know we can hang our coats on apply on the ground. Again, if the committee wants to make specific recommendations, I undertake to look at them and to do so in collaboration, whether it be with justice colleagues or the children's minister.

A lot of time and effort has been invested in GIRFEC and it has cross-party commitment, but it is always worth revisiting and revising areas. Wellbeing is not necessarily straightforward to assess, as any front-line worker would tell you, so we will go away and look at that.

Annie Wells (Glasgow) (Con): I want to follow on from questions from Alex Cole-Hamilton, Mary Fee and probably Jeremy Balfour and ask about the refreshed guidance. We have heard a lot of people saying that the guidance is there but it needs to be updated quite urgently. We know that the assessments are done at the front line but we have heard that not every local authority carries out the same assessment for unaccompanied children. Is the training there for those who are carrying out the assessment or does it need to be refreshed? For example, a social worker in Glasgow would be more used to dealing with such people and would have a lot of support around them, but would a person from a different local authority where such assessments are not an everyday occurrence have adequate training to complete the assessment?

Angela Constance: It is probably a fair reflection that some local authority areas are well versed and experienced in supporting refugees, asylum seekers and unaccompanied children, whereas in other areas the experience is fresher and newer. The advantage of the Syrian resettlement is that 30 out of 32 local authorities are now actively working to support refugees.

Glasgow is still the only area that participates in the dispersal programme for asylum seekers. The Home Office and Serco are having discussions with other local authorities, but a lot of the expertise, particularly with unaccompanied children, does indeed rest with Glasgow, which has, over the years, supported somewhere in the region of 500 unaccompanied children.

As I said earlier, the 35 children who came as a result of the Dubs scheme did not all go to Glasgow. There are also 150 unaccompanied children who have come to Scotland through spontaneous routes. The situation is changing and Glasgow is now not the only local authority with that experience.

There will always be an issue about how we share best practice. As part of the new Scots strategy, there is the integration forum, various social work forums, and community learning and development forums. We can discuss that with COSLA just to ensure that the way in which best practice is shared is up to date and most effective. We are all sitting in a committee room and we might all have our own notions about how best to share best practice but it is about what works for those who are on the ground.

Annie Wells: It is slightly concerning to know that assessments are being carried out differently by individuals in different local authorities, but I take on board what you have said: best practice should be the way that it works.

10:45

The Convener: On the point about the dispersal scheme, we have interrogated the differences between the Syrian family resettlement scheme as the gold standard and all the other schemes, and one aspect of the Syrian scheme was the way in which local authorities, Government, the third sector and even civic Scotland came together to implement it.

With regard to future dispersals—the UK Government is talking about the Kent kids, for instance—what influence has the Scottish Government had? Have you even had any discussions on the subject? We have heard evidence from some organisations that this sort of thing would just be imposed and that that would create another layer with a different procedure, which would put people, especially young people, at risk. In contrast, someone assessed as an adult in the English system might come to Scotland and get assessed as a child.

We heard earlier from the Care Inspectorate that status should not matter, but it is very clear that status does matter when people are trying to get support. Can you give us a wee insight into where the Scottish Government has had any influence on—or even any input into—policy in that area?

Angela Constance: I met Robert Goodwill at the end of last year—it was last October, I think—to discuss a range of issues. Primarily, I wanted to tell him that the Syrian resettlement programme in Scotland had worked well. At that time, more than a quarter—about a third—of people who had come to the UK under the Syrian resettlement programme were actually in Scotland; the figure is now 23.7 per cent. It was a real success story, not just in terms of the partnership on the ground in Scotland but in the sense that it showed the strength of the resettlement programme that the UK Government had put together. The weakness

now is that we might end up with a two-tier system.

If we compare the dispersal scheme with the Syrian resettlement programme, we will note that 30 out of 32 local authorities were willing and able to participate in the Syrian programme because of the type of support that was coming from the UK Government, while support for the wider dispersal programme is not the same. In fact, it is just not there. The dispersal programme will be implemented in the context of the Immigration Act 2016, which makes the UK as a whole a more hostile place to seek refuge in. It seeks to increase opportunities to criminalise folk who are seeking refuge, and financial support will be cut even further when certain provisions in it are implemented in Scotland.

For local authorities, there are a lot of real barriers to participation in the wider dispersal programme. It is perhaps not surprising, therefore, that although nearly all local authorities were willing and able to participate in the Syrian resettlement programme, they are taking a more cautious approach to dispersal. That was an important part of my conversation with Robert Goodwill, and it is an important part of my frequent correspondence with him and with Amber Rudd at the Home Office.

We have also tried to influence the future direction of accommodation contracts. Members will have seen the Westminster Home Affairs Committee report; I think that we have had a small influence, and made discreet progress, on the issue of family reunion. Some of the processes in that regard have been improved, and the fact that people in the Syrian resettlement programme have refugee rather than humanitarian status will make family reunion and travel much easier.

We can point to that kind of discreet progress, but we are always chapping at the door of the UK Government—and the Home Office in particular—to say that there is a different and better way of doing things. Convener, you are right to say that the Syrian resettlement programme got the gold star, and the wider dispersal programme and the work on unaccompanied children have to catch up with it.

The Convener: You have just touched on where I was going with my next question. We have heard some very powerful evidence from the destitution housing support organisations; Mary Fee and I went to visit one in Toryglen that is doing brilliant work, but the stories were absolutely harrowing to listen to. We have also taken evidence from Positive Action in Housing and tuberculosis nurses, who are doing some work on the ground. They showed us photographs of very poor accommodation, some of which is being run by very unscrupulous landlords and organisations.

On top of that, when some families present to social work for the social work assessment, a human rights assessment is not being done alongside it.

I would think that a basic human right is to live in accommodation that is not rat infested, that is not dangerous for your kids and where there are no ancient, leaky water heaters in the building or serious issues of harm. How do we fix that? You know Positive Action in Housing's work and the fact that it is done on a shoestring; the situation is the same for some of the other organisations. If we want Scotland to be open, welcoming and compassionate and to provide good-quality care, how do we fix that? Have we no prospect of fixing it, because it is completely reserved?

Angela Constance: I did not come here to be overtly political but I would suggest that, if we want an end-to-end, holistic system, we need to be in control of the system. However, my views on that will come as no surprise to anybody around the table.

Human rights assessments should be integral to all assessments. I have listened to and read the evidence that has been presented to the committee. Sometimes, a human rights assessment is considered a separate add-on, but we do not want it to be a separate add-on; it should be an integral part of a child's needs assessment and, indeed, other community care assessments. It should become the way in which we do things, because we are all challengeable on whether we are fulfilling our human rights obligations.

Many MSPs and MPs have been active on the accommodation issue and have approached the Scottish Government to ask what more it can do. I am always pressing my own beleaguered civil servants to find opportunities, but the real issue is that asylum seekers are removed from our homelessness legislation. I am always trying to find ways of enforcing standards on landlords or providers of accommodation, and I have not yet found a way of doing that within my powers. It is a huge stumbling block that asylum seekers are removed from homelessness legislation.

We must bear in mind that we are also impacted by the rules on people having no recourse to public funds. For example, people with refugee status can and do access the Scottish welfare fund; however, asylum seekers cannot access it, because it is listed as public funds under the no recourse to public funds rules.

That said, though, we fund a range of organisations. From the equalities budget, £820,000 goes primarily to the Scottish Refugee Council, which gets in the region of £500,000, as well as other organisations. We have also invested

£1 million in the refugee task force. Some of that funding has been used creatively on, for example, the retraining refugee doctors programme and peer English-language learning to complement the more formal learning. Nearly £800,000 is being invested in tackling human trafficking, and some of the funds that we distribute through the housing voluntary support grant go to organisations that work with and support refugees.

We will always do what we can to find ways to provide support. On our commitment to three-year funding, I am pleased that that will start with the equality fund, which will support projects to address violence against women and girls as well as some equality projects.

The Convener: My last question is about office practice in local offices compared with office practice in local authorities. We have determined through our evidence that there is some disparity in that respect, although it might just be that one local area is under a lot of pressure. Some of the families who we met were destitute and had health concerns such as mental health issues, post-traumatic disorder or related issues that combined to cause serious vulnerability. We heard that they might pitch up at a social work office but could be left sitting all day and then told to come back the next day; they might be sitting there with their bags, saying that they had nowhere to go and the response that they got was, "Our responsibility is only to your children, so we'll take them into care." That situation just makes families go underground, which means that they become more vulnerable and much harder to reach.

You have said that the law is clear, but the way in which it is interpreted has to be made clear to local authorities—all the way down to whoever the duty social worker is—through guidance and support. I know, as you do, that making sure that that happens is a huge undertaking, but if we can prevent one family from running, hiding or putting themselves in further danger, it will be well worth it. What are your thoughts on that?

Angela Constance: If even one family is told, wrongly, that the only available assistance—if I can put it that way—is to have their child taken into care, when there is no child protection or neglect issue, that is one family too many. You are right that if that happens it pushes people to flee or go underground. It is not a reflection of the law, because the law in Scotland is clear.

Front-line workers have a difficult job to do. I have been there, as have the convener and Mr Cole-Hamilton in a former life. It is easy for us to sit in Parliament and pontificate about what should and should not happen, but we know that front-line workers are hard pressed. We need to always challenge ourselves about what more we can do to make the position crystal clear that children in

Scotland are assessed in the context of their family and that they are taken into care only as a last resort or where there are issues of child protection or neglect.

We also need to challenge ourselves and everybody who works with asylum seekers and refugees—or everybody who should be working with them—and make it clear that dignity, fairness and respect are not just for our new social security system. Leaving people to sit in a waiting room all day when they are vulnerable, have mental health problems and are at the end of their tether is no way to treat them.

We want to support our front-line workers as best we can. We recognise that we all have a leadership responsibility to make the situation as clear as possible to assist both front-line workers and families in need.

The Convener: We hope to raise awareness, too. As you can imagine, that will be part of the committee's work.

Cabinet secretary, do you or your officials wish to add anything to your evidence about the work that you are undertaking?

Angela Constance: Although our powers in this area are somewhat limited, we will always look with compassion and creativity at what we can do.

The Convener: As I say to every panel of witnesses, if you go away and think of something that you should have said, please let the clerks know. We are compiling our report now, and we hope that it will be ready in a few weeks' time. We will let you know when it is published.

Thank you so much for coming along, cabinet secretary. We now move into private session.

10:59

Meeting continued in private until 11:13.

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