



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 17 January 2012

Session 4

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EDUCATION AND CULTURE COMMITTEE

2nd Meeting 2012, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Neil Findlay (Lothian) (Lab)

COMMITTEE MEMBERS

*Clare Adamson (Central Scotland) (SNP)

*Marco Biagi (Edinburgh Central) (SNP)

*Neil Bibby (West Scotland) (Lab)

*Joan McAlpine (South Scotland) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Liz Smith (Mid Scotland and Fife) (Con)

*Jean Urquhart (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Anne Black

Mike Callaghan (Convention of Scottish Local Authorities)

Lindsay Isaacs (Citizens Advice Scotland)

Tommy McFall (New Fossils Grandparents Support Group)

Robert Swift (Association of Directors of Social Work)

Alison Todd (Children 1st)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 1

Scottish Parliament

Education and Culture Committee

Tuesday 17 January 2012

[The Convener *opened the meeting at 10:00*]

Decision on Taking Business in Private

The Convener (Stewart Maxwell): Good morning and welcome to the second meeting of the Education and Culture Committee in 2012. I remind members and those in the public gallery to turn off mobile phones and other electronic devices, rather than switch them to silent, to ensure that they do not interfere with the sound system.

The first item of business is a decision on whether to take item 4 in private and whether to consider our draft report on the educational attainment of looked-after children in private at future meetings. Are members agreed?

Members *indicated agreement.*

Kinship Care

10:01

The Convener: I welcome our guests to the meeting for agenda item 2. The committee agreed to have a round-table session on kinship care and I thank our guests for coming along to help us with our deliberations.

Effectively, we are seeking an update—I think that that is the best way of describing it—on where things stand and how they are moving along. I am sure that we will also touch on other issues but our main subject for discussion is the extent to which support varies across the country and what support mechanisms exist for those involved in kinship care.

Now that we are coming to the end of our inquiry on looked-after children, the committee is considering a number of areas for another inquiry. Although kinship care is one of those areas, it is by no means the only one, and the committee wanted to discuss the issues to allow us to make a more informed decision on which inquiry area we want to pursue.

A round-table discussion is supposed to be informal—if a parliamentary committee meeting can be informal. At the very least, the discussion should be free flowing and everyone should be able to discuss the issues as best they can. However, given that this is a committee meeting with certain constraints, I ask people to indicate either to me or to the clerk when they want to speak. We will try to ensure that everyone has an opportunity to contribute. My only request is that we do not jump from topic to topic and that we stick to the one issue—that will make things easier for all of us.

First, I ask the witnesses and committee members to introduce themselves.

Clare Adamson (Central Scotland) (SNP): I am a Central Scotland MSP.

Mike Callaghan (Convention of Scottish Local Authorities): I represent the Convention of Scottish Local Authorities.

Anne Black: I am an independent social work consultant.

Liz Smith (Mid Scotland and Fife) (Con): I am a Mid Scotland and Fife MSP.

Tommy McFall (New Fossils Grandparents Support Group): I am a kinship carer.

Neil Bibby (West Scotland) (Lab): I am a West Scotland MSP.

Liam McArthur (Orkney Islands) (LD): I am the MSP for Orkney.

Robert Swift (Association of Directors of Social Work): I represent the Association of Directors of Social Work.

Jean Urquhart (Highlands and Islands) (SNP): I am an MSP for the Highlands and Islands region.

Alison Todd (Children 1st): I am director of children and family services at Children 1st. We deliver the national kinship care service.

Marco Biagi (Edinburgh Central) (SNP): I am the MSP for Edinburgh Central.

Lindsay Isaacs (Citizens Advice Scotland): I am national co-ordinator for the Citizens Advice Scotland kinship care service.

Neil Findlay (Lothian) (Lab): I am a Lothian MSP.

The Convener: I am the committee convener and a West Scotland MSP.

Our main topics for this discussion are first, the effectiveness of support for kinship care and, secondly, the extent to which support varies across the country, depending on the local authority area that someone happens to be in. I thank witnesses for their written evidence, which I am sure that we have all read with much interest. I certainly have, and I was very interested by the comments that have been made. Does anyone wish to kick off?

Alison Todd: I am happy to start. In response to the two questions that you raised, the effectiveness of support for kinship carers varies greatly. On the one hand, we have evidence of good practice and what works really well, but on the other hand, there is evidence to show that the majority of kinship carers are not adequately supported.

When we speak to kinship carers we often get a picture of just how hard they have had to fight and how long it has taken them to get something that one would probably think was a right. We have gathered so much evidence, and kinship carers have been fighting for a long time, so now is probably the time to pull everything together—as we have done—and take forward the good solutions that already exist.

Support varies greatly—it is very inconsistent—but there is good practice, so the solutions are probably out there.

The Convener: On a point of detail, you say that people do not get what they think they have a right to. Can you give us a practical example of that?

Alison Todd: Tommy McFall probably has more examples than me; I will give two that come to mind, but he has been in the game for a long

time and has spoken to many kinship carers. One example that struck me concerned a kinship carer who knew that her grandchild had special educational needs. She found that it took her two years to get anyone to listen to her and to get the necessary mechanisms in place for that child.

We hear about kinship carers who have babies arriving at midnight. They do not have nappies or milk—the basic needs are not met—and they might not have the money to go out and get those things. Those are two examples, but I think that Tommy McFall will have many more stories.

The Convener: Before I bring in Tommy McFall, was the fact that it took so long to identify that child's special educational needs particularly related to the issue of kinship care?

Alison Todd: I think that a looked-after child would have better access to that support. We do not want to push kinship carers down a legal looked-after route—that is possibly not the best way—but we need to recognise that children in kinship care often have special needs because of past experiences and the circumstances that they might have been in. There are two ways to look at that.

Tommy McFall: I thank the committee for allowing me to address you on the issue. I and my wife have looked after my granddaughter for 11 years now.

I will begin by telling the committee a tale of two children—I will call them Johnny and wee Mary. They are both two years old and have been removed from the family home for a number of reasons: neglect, abuse, bereavement and so on. They are taken before a children's panel and considered to be at risk, and therefore under section 70 they are looked-after children.

The panel places wee Johnny with foster parents. Immediately, he is provided with everything that you can think of commensurate with his needs, such as a pram, a cot, bedding and safety equipment. There is a start-up grant to allow his foster carers to buy toys and clothes, and a general allowance immediately kicks in. What happens to a child who has the same looked-after status under section 70 but who is in kinship care? Nothing: there is not a bean, not a nappy and no bedding. There is no support and there are no allowances.

The discrimination against children in kinship care is breathtaking. It is tantamount and comparable to apartheid. It is nothing as terrible or awful as we understand apartheid to be; nevertheless, it is apartheid in the strict definition and interpretation of the word—apartness. It is treating children—in this case, children with the same legal status—differently.

I will give you one example of the poverty impact. It is not an isolated example. As Alison Todd says, there are numerous cases of social workers turning up at a gran's door late at night and saying that, if she does not take the children, they will take them into care. That happened to the chairperson of our organisation. Eight or nine years ago, social workers turned up at her door on a Saturday night with three children and said that, if she did not take them, they would go into care. Being the type of lady that she is, she took them.

Six weeks later, nobody had contacted her. She and the three children were lying in her bed in pitch blackness on a Saturday night because they could not afford a power card. She ended up having to go to the Society of St Vincent de Paul for charity. She is a devout, churchgoing woman who does not smoke or drink. That shows you the poverty impact throughout Scotland—certainly in Glasgow—although I concede that the situation has improved.

There is something else that seems unfair, although I suppose that that is just the way it is. When kinship carers—the gran and granda—decide to care for the children, the parents are sometimes reluctant to part with the family allowance book. The kinship carers then have to go through a process that is carried out at an office in Washington near Newcastle and can take from three to seven months.

The catch-22 situation that faces kinship carers is that, if they do not have the family allowance book, they cannot claim income support. That puts them in limbo. In my case, it was seven months without a penny. We were pretty fortunate, because I had just retired and my wife had a good job. However, it is horrendous for people on the poverty line who are trying to deal with the situation.

Do you want me to stop?

The Convener: That is great, Tommy. That was helpful. I will bring you back in as we go along, but other people want to speak, so I will bring them in.

Lindsay Isaacs: You asked Alison Todd what support kinship carers expected but did not get. Financial support, which Tommy McFall has just talked about, is a big one. I know that you do not want to focus on that today, but it is a big issue that citizens advice bureaux staff encounter.

Secondly, kinship carers would like information and support from local authorities about kinship care when they are trying to make decisions about the best choices for the children whom they look after and for themselves as kinship carers. Often, they do not have access to high-quality, consistent information and support.

Continuing support in maintaining relationships with parents is a really big issue. That can have a huge impact on the ultimate success or otherwise of the kinship care placement.

There are also specific issues, such as access to counselling services. The children often come from quite traumatic and difficult backgrounds, and there is often a need for counselling. There are also housing issues, because the family that takes on the child or children often simply does not have room to accommodate them.

Tommy McFall talked about the contrast between the situation of looked-after children in kinship care and those in foster care. There is another dimension, which is the difference between looked-after and non-looked-after children. If kinship carers of looked-after children often feel like the poor relations of foster carers, kinship carers of non-looked-after children feel even lower down the ladder of access to services and support.

You started by asking whether services and support are patchy across the country. People often talk about there being a postcode lottery, but that is misleading because it implies that support and care are consistent within any given area. Support varies hugely between local authorities, but it also varies within a local authority and there is no guarantee of consistency whereby someone entering a kinship care arrangement in any local authority knows what they are going to get. Support varies hugely within a local authority and can even vary over a period of time, and in what is available for two children within a family.

10:15

Neil Bibby: Are there differences in the regulations that apply to financial support for looked-after and non-looked-after children? Do they have a direct impact on the financial support that is given?

Lindsay Isaacs: Theoretically, looked-after children are meant to receive financial support from their local authority through the kinship care allowance, whereas payments for non-looked-after children are discretionary. Different local authorities have different policies depending on need, which might be means tested. Some local authorities will continue to pay if a child has previously been looked after but has become the subject of a residence order, which means that they are no longer looked after; some will pay for a period and will then withdraw that support. Some local authorities pay equivalent amounts for looked-after and non-looked-after children, and some do not pay anything at all.

The critical thing about the financial support is that the child's looked-after or non-looked-after

status can have a huge impact on their entitlement to Westminster benefits such as the child tax credit and child benefit. The mechanism through which kinship care allowance is paid can also have an impact. It is a really complicated picture.

Neil Bibby: You mention variations within a local authority, and one such variation is between children of different age groups.

Lindsay Isaacs: Yes.

Neil Bibby: One of the written submissions that we have received—it might have been from the ADSW—said that, in certain circumstances, very young children who are placed with kinship carers do not necessarily get support. Do other organisations have a view on the impact that that has? I am thinking about the extra costs that are incurred by people who look after very young children for things such as nappies and baby milk. People are also more likely to have to give up work if they look after very young children or babies. I just throw that out there.

Lindsay Isaacs: If the children are pre-school age, childcare is also a big cost.

Liz Smith: Notwithstanding Tommy McFall's comments about the very real difference between kinship care and foster care, which is important, I want to probe a little further what Alison Todd and Lindsay Isaacs have said about the differences in the support that is provided by different local authorities and—more important—within the same local authority. Why are those differences so big?

Alison Todd: I will be quick. It is because the regulations and the legal system were not set up for kinship carers. We should not place legal requirements on children and young people unless it is absolutely necessary to do so, but we are almost pushing them down the channel of being looked after so that they get recognition. We need to stand back, take a fresh look at kinship carers and ask what they need. Kinship care is growing, and the circumstances that Tommy McFall has described must be looked at.

The disparity arises if someone does not fit in a particular box—and nine times out of 10 they might not want to fit in that box, as there are good reasons for keeping children out of systems. It is also important that we do not push kinship carers into formal foster care assessment processes, although that does not happen everywhere. These are families and we should not intrude. I agree that the family environment has to be safe, but the assessments should not be so intrusive. So, there are two things to address: the assessments and the practice of pushing people down a legal route in order that they fit the system.

Lindsay Isaacs: To echo what Alison Todd said, the differences between local authorities are

a reflection of the policy, which was designed to be flexible and responsive to local need. Differences within local authorities occur sometimes because the policy is means or needs tested and the decisions are taken by different people, and sometimes because one person has access to a social worker who knows a lot about kinship care and is very supportive of and interested in it, whereas someone else might have access to a different social worker. Sometimes the consequences are intended and sometimes they are unintended. As resources get tighter and tighter, we are seeing those differences come out more.

Clare Adamson: It is my understanding that, certainly with North Lanarkshire Council, a request for financial support for kinship care is not considered unless a residence order is in place. What costs in time and money are involved in a family applying for a residence order? Is that support given when it is needed?

Lindsay Isaacs: If the children are not looked after?

Clare Adamson: Yes.

Lindsay Isaacs: Are you asking about the process of getting a residence order?

Clare Adamson: I may be wrong, but my understanding is that financial support for kinship care is given only if a residence order is in place.

Lindsay Isaacs: The children are not looked after if they are the subject of a residence order.

Clare Adamson: Yes, but how is a residence order obtained?

Lindsay Isaacs: Through a court process.

Clare Adamson: Is it the family that has to go through that?

Lindsay Isaacs: The kinship carers initiate the process—they apply to court for a residence order. The process costs. Some local authorities will support that in full or in part; others will not. Once a residence order is in place, different local authorities have different policies regarding whether they will pay kinship care allowance.

Clare Adamson: What time commitment is involved in the court process?

Lindsay Isaacs: Are you asking how long it takes?

Clare Adamson: Yes.

Lindsay Isaacs: I am not sure. I do not know whether any of the other witnesses can help with that.

Robert Swift: It can take some months to apply for a residence order through the civil courts and

to complete that process. The costs can be considerable—they can run into thousands of pounds. Some local authorities are proactive in supporting kinship carers to apply for residence orders because they often give the children the maximum security that they need to assist their health, wellbeing and development.

However, I would not say that local authorities, by and large, would pay kinship carers only if they applied for and obtained a residence order. We have touched on the variation in practice that exists around the country with regard to whether local authorities give kinship carers financial support and at what level they do so. The reasons for that are extremely complex. There is a complex interface between the benefits system and moneys that are provided by the local authority—one can impact on the other. The system is complicated.

Many kinship carers look after children who are not formally looked after—that is probably true in the majority of cases. Financial support for those children is generally provided through the state benefits and taxation system, although local authorities sometimes make discretionary payments.

As we say in our submission—one or two other submissions touch on this, too—we support the notion of the state taking primary responsibility for income maintenance for families, as it does for children who are looked after by their birth families. The state is responsible for the maintenance of those families' income. The debate gets quite complicated when the position of kinship carers is compared with the position of foster carers. There are similarities—the children are often similar in profile to those who would be placed with foster carers—but there are also differences from the point of view of the bonds and commitments that exist with extended families. There are sometimes other sorts of connection with the child, because not all kinship carers are related to the child; they may be known to the child in other ways. Such commitments must be taken into account when local authorities consider the whole package of support.

The question was about support, and finance is obviously a big part of support, but kinship carers need other forms of support as well. I feel strongly that local authorities are in the best position to provide a lot of those other forms of support. There are some good examples of that, which we have not spent much time looking at. For example, kinship carers of very young children have been included in training programmes for people who are adopting children, where there may be similar issues of children having experienced loss and bereavement or contact issues. Such means of support for kinship carers are important, but they

sometimes take second place in the debate, which tends to focus on finance. That is obviously important, but the picture is complex.

Liam McArthur: I am interested in Robert Swift's point about the role of central Government in providing baseline support. I think that it was Anne Black's submission that talked about there being

"considerable variations in central government benefits agreed for approved kinship carers".

Is that a reflection of what Lindsay Isaacs talked about, which was that variations in social work contact may mean that some people find themselves in a more advantageous position than others? What lies behind that observation?

Anne Black: In many ways, it is even more fundamental than that. The benefits system, as it is set up at the moment, debar some kinship carers from claiming their central Government benefits because they get a particular allowance from a local authority, which might make payments under two or three different headings. Some central Government benefits disregard certain local authority payments, but they take others fully into account. Citizens Advice Scotland works with that situation day and daily.

As I think I said in my submission, our vision when working on the report "Moving Forward in Kinship and Foster Care" from 2007 to 2009 was very much as Alison Todd said: kinship carers and children who are in kinship care should not have to be pushed down the road of the children becoming formally looked after in order to get the support that they need. As Robert Swift said, the role of local authorities is to provide underpinning professional and emotional support that will help kinship carers and help the children who are in their care to grow, thrive and achieve.

The Government introduced the concordat when we were working on the report, and we had no idea of the minefield of complexity that would come from making payments to kinship carers in different ways and what that might do to their state benefits. Our vision was that children should not have to come into the looked-after system solely to achieve a payment, that income maintenance ought to be provided for all the children, in a similar way to the guardian's allowance, and that local authorities' resources should be focused on doing what they are best at, which is providing emotional and practical support once the kinship carer has got their underpinning benefits sorted and coming in regularly. That is also true for, and fits nicely with, the getting it right for every child principle whereby universal services should provide most of the services and local authorities should provide education, housing and social

work, with health coming in too, to add to the services that will help children to thrive.

Liam McArthur: Given what you have just said, and following on from Robert Swift's observations, is there no scope for debate about the support that local authorities provide? If such provision debar kinship carers from central Government benefits, can it be ensured that that obstacle is removed and that whatever additional support, financial and otherwise, that is needed to buttress that can be added on top? Is there not some scope for that?

Anne Black: That has been one of Citizens Advice Scotland's tasks through the citizens advice bureaux. What we call a better-off assessment is always made to see whether an allowance that is made by a local authority will give the kinship carer a better deal than state benefits, from which they may be debarred. The position is extremely complicated, because other benefits are affected by whether someone is employed or unemployed, whether they have disability allowances and so on. There is almost a capriciousness about what kinship carers get when they go along to benefits offices, which give different advice to kinship carers; that is what we have all been struggling with. However, CAS works with that situation day and daily.

Liam McArthur: I think that Neil Bibby referred to the ADSW submission, which says that it

"does not support the payment of financial support by local authorities to kinship cases in relation to very young children who are to be cared for by kinship carers on a permanent basis".

That leaped out at me from the submission. Perhaps Robert Swift or others would give us some of the background to that rather stark assessment.

10:30

Robert Swift: That example was included to illustrate how complex the kinship care arrangements are. At one extreme, there might be a 15-year-old boy whose family relations have broken down and who is being cared for by a neighbour, and at the other there might be children whose parents have died and for whom kinship carers have stepped in to offer care. The issue of young babies is a fairly recent phenomenon, which is largely influenced by substance misuse. There is a rise in the number of children who are being born to substance-misusing parents. Those children are often born in chaotic circumstances and accommodated at a very early stage. Complex decisions are then made about the future of those children, who at that time are looked after.

We were raising the issue of what should happen if a kinship carer steps forward to care for a baby and wishes to be a full parent to that baby.

Is it reasonable that an allowance should be paid in relation to that child for life? The ADSW's position is that it is probably not reasonable. It is quite a complex situation, which is probably to do with the life choice of that kinship carer.

The Convener: Just to clarify, would the ADSW's position be that that child, although they are not a birth child of those adults, should in effect be treated as if they were, and that those adults would be entitled to the benefits that any other parent would be entitled to, but not to any additional financial support?

Robert Swift: Yes. That would be the position, as it would be if that child were placed for adoption. Under normal circumstances, that child would not attract any adoption allowance. We would not expect that child to be brought up in the care system. Our aim would be to get that child out of the care system into a family who would have that child as their own.

On the variation in support provided by local authorities, which was raised—

The Convener: We will come back to that.

Tommy McFall: We are talking about the variations in allowances, but I respectfully remind the committee that, in December 2007, the Scottish Parliament unanimously agreed to pay kinship children the same allowances as children in foster care. It agreed that they would have parity of support and parity of esteem with children in foster care. COSLA signed up for that and agreed to implement it over the next three years. The allowance would be age related, starting at £119 and moving up to £198. That was the deal, but the deal has never materialised.

In January 2008, a Scottish Parliament information centre briefing defined a child in kinship care. It said that they would be entitled to allowances if they were a looked-after child—a looked-after child being a child on supervision orders. Excluded were the vast majority of children for whom, with the encouragement of social work, residence orders had been applied for, to provide more safeguards for the children.

There were practical consequences to that. For example, a kinship carer has a couple of children who are looked-after children for the first year, and she gets allowances for them. The children are thriving in her care, so a year later she goes to the children's panel, which removes the supervision order and—hey presto!—the allowances stop. However, she is still looking after the kids. How cruel is that?

Another impact of the SPICe briefing, the definition—

The Convener: I am sorry to interrupt, but just to be clear, SPICe does not define anything. It is

an information centre that provides information and background research. Its job is not to define what these things mean, and it does not do that. It only provides the information.

Tommy McFall: It publishes what has been decided.

The Convener: Yes. It publishes what has been defined by others. It is not SPICe that defines things.

Tommy McFall: I am fully aware of that. Nevertheless, somebody took the decision to exclude children who are under residence orders, or children who are doing so well that the supervision order has been removed, so that in effect they are not entitled to any allowances.

The impact of that throughout Scotland has been that, rather than the ending of the postcode lottery and the stabilisation of payments and allowances, which the 2007 decision suggested would happen, the discrimination has been entrenched. Some local authorities are not paying a penny to looked-after children where a supervision order has been removed. Some say that they will pay looked-after children where a supervision order has been removed or a gran has applied for a residence order, they are giving her only £30. That is absurd, and it is against natural justice. Big-hearted Glasgow is saying that it will recognise its obligation to children who have been looked after and are now under residence orders, so it is paying £40 across the board.

There has been progress, but it has been limited and contradictory. The whole thing is an astonishing mess. We have not had implementation of the 2007 decision, which the Parliament took and COSLA signed up to, to pay allowances for children in kinship care that are commensurate with the allowances for those in foster care.

The Convener: I will bring in Mike Callaghan at this point, if he does not mind, given that he is from COSLA.

Mike Callaghan: As Tommy McFall has articulated in his evidence, kinship care is a difficult issue, given the way in which it has panned out over the years. Kinship carers are highly valued for the role that they play for children in our communities. We fully recognise that they form an intrinsic part of the early intervention and prevention agenda for looked-after children.

The concordat was originally negotiated in 2007. Councils at that time were committed—and they still are, because this is still a major priority for them—to implementing kinship care allowances as best they could in parity with foster care allowances. However, they have had to face a

number of unforeseen issues and challenges over the years as regards kinship care. First and foremost, to go back to 2008, when the kinship care arrangements commenced, it has to be recognised that all councils were at different stages of implementation of kinship care, so they had different starting points. Some were more advanced and some were at the initial stages.

Secondly, we must also recognise that the sharp increase in the number of kinship carers has put a strain on local authority resources, not just in terms of financial support but in non-financial support, because that is not cost neutral.

My third point, which Robert Swift and others have touched on, is that the United Kingdom benefits systems has caused some problems for kinship carers' allowances. The allowances were supposed to supplement kinship carers' incomes and not, as has been the case, to substitute for them. Kinship carers have found that, once they receive allowances, other benefits have been taken off them. That has been another problem in the implementation of kinship care.

Since 2008, we have entered a very tight financial situation and the massive cuts in public sector spend have impacted greatly on councils. The need to deal with competing priorities, particularly with regard to the looked-after children agenda or increasing allowances for foster carers to compete with independent providers, has put strain on their resources.

All of that should be added to the wider context of local authority spend. Given that councils, with their overall budget, have to fund a number of priorities ranging from vital services for older people, housing, roads and so on, they have found some aspects of implementing kinship care difficult. That said, evidence suggests that many councils are moving in the right direction with, for example, parity of kinship care and foster care allowances. As Alison Todd has pointed out, local authorities have also developed a lot of good practice with regard to kinship support and respite care services, specialist workers and so on. The picture is not all negative—some positive and constructive progress has been made—but the committee needs to recognise that local government has faced some significant barriers and challenges.

Robert Swift: I will say a little more about variation in practice between local authorities, but first I should acknowledge that in some authorities there is parity between the fostering and kinship care allowances.

The reasons for variations are quite complex. As Mike Callaghan implied—and as Anne Black's report suggests—there has been a very substantial and steep rise of between 40 and 50

per cent in the number of formal kinship care arrangements involving looked-after children. Originally, the Scottish Government gave additional funding to local authorities to meet the aspiration of paying kinship carers a similar amount to that paid to foster carers; however, there was no additional funding to meet that rise in demand.

One might have expected greater support for kinship carers to lead to a decrease in the need for other forms of care such as foster and residential care. In fact, the demand for such care has continued to rise. As a result, individual local authorities have had to make some very difficult decisions about priorities and where to invest resources, which have had some impact on their ability to give financial support to kinship carers as set out in the concordat. As I have said, there is tremendous variation among local authorities.

As for the benefits system, when the kinship care strategy was first introduced, there were many instances of local authorities providing allowances and kinship carers finding their benefits affected. Bizarrely, in some cases, carers found their housing benefit cut by the same local authority that was paying the kinship care allowance. Local authorities have resolved many of those issues and, as was mentioned earlier, they sometimes change the basis for making payments to kinship carers to avoid incurring penalties in the benefits system. However, the system is still very complex and, as I pointed out earlier, the responsibility for income maintenance is perhaps not best left with local authorities because of the variations that we have seen. If national benefit systems applied, there would be much less variation.

One particular—and obscure—allowance is the guardian's allowance, the very narrow criteria for which are that one parent has to be dead and the other dead or missing. In fact, children who are in kinship care often have no parent around or in contact to look after them. We and others have felt that if the criteria can be addressed there is potential for that allowance to be used more flexibly to provide a national framework for kinship carer support.

Marco Biagi: Having listened to the comments about interaction with the benefits system and knowing that the system is going through a process of change, I wonder whether these issues have been fed into that process. Have any comments been listened to? Is anything likely to be different following the changes that will be made to the welfare system?

10:45

Lindsay Isaacs: Yes. We have been working with the Child Poverty Action Group in Scotland and various groups that are based in England and Wales to try to have some amendments made to the Welfare Reform Bill. For instance, we are trying to get kinship carers included in the list of groups that will be excluded from some of the work-related commitments in relation to universal credit—[*Interruption.*]

The Convener: Someone has their phone switched on; I ask them to switch it off.

Lindsay Isaacs: Various organisations have been working on that, and the Scottish Government has been working pretty closely with the Department for Work and Pensions and Her Majesty's Revenue and Customs to argue the case for kinship carers and smooth out some of the difficulties at the interface with kinship care allowances. I do not know what stage those discussions are at.

Alison Todd: It is clear from the conversations about different types of allowances that complexities remain. A lot of lessons have been learned, but there are a lot of complexities stemming from the announcement in 2007 that kinship carers were going to get parity with foster carers.

The work of Citizens Advice Scotland, Children 1st, kinship care groups and all sorts of committees that have examined the issue has shown that unintentional consequences have arisen. I would be really concerned if we were to try again to pigeonhole kinship carers into something that already exists. We need to step back and look afresh at everything that has been learned in the past five years to ensure that kinship care families get the support—financial and otherwise—that they need and deserve. That is even more important given that many kinship carers are in extreme poverty, and the number of kinship carers in that position is rising because of drug and alcohol misuse. Now is the time to have an open, fresh dialogue about kinship carers and what they need, as opposed to thinking about how we can push them into the policies that already exist. I hope that we can seize the opportunity of the children's services bill to address that.

The Convener: As you have raised that issue, I note that Children 1st's submission states:

"To proceed on the basis that kinship care families want absolute parity with foster carers requires caution."

Alison Todd: That is what I think. I think that we need to ask kinship carers the question, but there is a good chance that the demand for parity comes from the understanding in 2007 that kinship carers would be paid the same as foster parents. I do not think that kinship carers want the same intrusion

or assessments as foster carers have; that must be part of an open dialogue. We know of good cases of assessment and support that are very different from the provision for foster carers. We need to glean from kinship carers what works well, but I am not sure that they want absolute parity.

Kinship carers want support and do not want to be in poverty or to be tremendously disadvantaged by looking after children and providing safe and loving environments for them. We need to consider the really good outcomes from kinship care families when we talk about the price and the fact that local authorities do not have any money, as the outcomes might be worth much more than the payments.

Tommy McFall: To pick up on that point, kinship carers do not want—and have never claimed—parity with foster carers. Those are two different roles. Foster carers get a fee or a reward on top of the allowances, but kinship carers do not get that and have never wanted it. We are arguing that the children we look after in kinship care should have parity, as the Scottish Parliament decided in 2007.

If it were not so serious, it would be amusing to listen to the comments about how difficult it is for local authorities, how the goalposts have changed and how squeezed they are. I have been in the trenches here for the past 11 years and I can tell you that, even during the halcyon days, when there was plenty of money swishing about, these kids met with indifference and discrimination. Glasgow City Council has started to pay an allowance only in the past couple of years. It is the children we look after, not us, who matter.

I make a brief point about other support services, which we sometimes miss. We are talking about some of the most vulnerable and damaged children in Scotland—children who have witnessed and experienced things that they should never have witnessed or experienced. I have heard people say that counselling and psychological services are available but, believe me, if you take a tour of the east end of Glasgow and talk to the hundreds of kinship carers, they will tell you that trying to get support for these kids is like trying to get blood out of a stone—it is not there, despite what anybody says. Some of these kids are badly damaged and abused. The favourite abuse seems to be to burn them with fags or to bite them—I do not know why. Imagine the trauma for an 18-month-old or two-year-old kid of going to stay with gran and granda, who are having to deal with that and worry about poverty and providing for them. That is the reality. There are not enough support services, psychological services or counselling services out there.

In Glasgow, kinship carers raise funds for the Notre Dame Centre to keep people in a job. We

hold dances and raffles for the Notre Dame Centre because it is not properly funded. When we talk about priorities, the most vulnerable children in Scotland should be at the top of our list of priorities and we should stop making excuses.

Neil Findlay: Given the direction of travel in welfare reform at the moment, it is unlikely that we are going to see positive change in the short term, at least. To me, the best bet seems to be what local authorities can do. Given everything that we know from the organisations that are represented around the table and others, do we need to set some sort of national standards or establish a national level of support across the board? Could there be a danger that setting such things nationally would take away the local element?

Alison Todd: There is definitely mileage in looking for a national solution based on what we have learned from local areas. We could give good examples of assessment, of kinship carers being recognised, of payments being given and of benefits such as free school meals and access to leisure facilities being granted. We could also give good examples of where payments have been given but benefits have been cut. There is huge benefit in addressing the matter nationally, ensuring that we all learn from good practice and putting in place something that benefits all kinship carers. There must be a recognition that kinship care should be affordable and that these children are a priority, for the reasons that Tommy McFall has outlined.

Anne Black: I agree with Alison Todd that we are learning an awful lot. However, it is worth going back to the detailed report that people such as Tommy McFall and others helped the moving forward group to make. We have a list of the kind of supports and the short, medium and long-term outcomes that are needed. Through debate, we should review that, adding in the various bits that we have found through practice. We then have to consider how the measures can be afforded. We are talking about very vulnerable children, so we need to find ways of affording the services that were identified three or four years ago as ones that will promote better outcomes for looked-after and non-looked-after children who are in kinship care.

Neil Findlay: Does anybody have concerns about moves to take responsibility away from local authorities and develop a national standard or scheme that local authorities then implement?

Robert Swift: We have national standards, regulations and guidance on how local authorities should support kinship carers, although there might be concerns about how some local authorities deliver that, which need to be addressed. My view is that we probably need both approaches. Some aspects of support for kinship

carers need central support. For example, we need to develop central expertise on the benefits issues that we have touched on, and we have agencies that are doing that. However, some kinship carers need local support. We have heard criticisms of the way in which local authorities are delivering, but there are good examples of local authority delivery and good feedback from kinship carers. Therefore, we must be cautious about lurching to an approach that loses that local support, which can be valuable and which kinship carers find helpful.

Neil Findlay: That is not what I am talking about. It is clear that a certain type of support might be particularly relevant in one local authority area but not in another—Western Isles Council will have different needs from Glasgow City Council. However, should we say that, as a minimum, there must be access to service A, B or C?

Robert Swift: There probably already are standards that local authorities should meet, in conjunction with their partners. The getting it right for every child programme must be the core for all children in Scotland. We have heard traumatic accounts of children's experiences. Our ambition must be for all children in Scotland, which is the basis of the getting it right approach. Kinship care is one important aspect of that. We must ensure that local authorities are pivotal in bringing together partners in the health service, the police and other agencies and formulating plans that are delivered locally.

Lindsay Isaacs: I have a couple of brief points. I reiterate the need for three levels of government—local authorities, the Scottish Government and Westminster—to work together, because the area is one of policy and practice that touches on all three levels. We will come up with effective solutions for kinship carers only if all three levels of government work together.

When we talk about local authorities, there is a danger that we get sidelined into talking only about social workers or social work departments, because they have the most contact. However, some of the really good practice in local authorities happens when they bring in education, health and housing services and all the areas of local authority support that can work together.

Alison Todd: I echo those comments from Lindsay Isaacs. When I supported having a national approach, my point was about drawing on existing good practice and ensuring that it is replicated. If we find a way of recognising kinship carers that is not too complex—it does not necessarily have to be enshrined in law—that might for example mean that they can easily access extra education support. That is a simple example of how we can take good practice and make sure that it goes out.

Good voluntary support does not always cost money. The kinship care support groups are often sustained and run by kinship carers. They do not cost money, but they are good examples of voluntary support.

Marco Biagi: I take your point but, clearly, we already have guidance and all kinds of policy documents that emphasise exactly those points and say how valuable such support is, yet there are still problems. Would the creation of a legally enshrined right to have advice and assessment for financial support be at odds with the desire not to formalise kinship care and keep it as something distinct? Could those two aspects go together and could that difference be bridged, or would kinship care have to stay informal?

11:00

Alison Todd: I do not think that we will sort that one here, but that is exactly the debate that we need to have. For example, could how a local authority looks at comparable need for kinship carers be used across Scotland? We need to have that kind of debate so that we do not pigeonhole kinship carers and push them down particular routes.

The Convener: Adoptive parents are pretty clear about their situation and the legislation is pretty clear for them, as it is for foster parents. However, the position of kinship carers, by its very nature, covers a wide variety of situations and circumstances, from very short-term care to permanent care. We all want parity of esteem for kinship carers and recognition of their difficulties and support needs, but I am sure that many of them would not want the interventionist policies that come with the formal recognition that must go with adoption and fostering. Is that the rock and the hard place that we are stuck between?

Alison Todd: That is the dilemma that we need to get through.

Liam McArthur: I was struck by Neil Findlay's correct observation that the way of doing things in the Western Isles will be different from that in Glasgow, but that is probably only in relation to scale rather than to the fact that the issue is not as live in the Western Isles as I know it is in Orkney. Among the good practices, is there any indication as to why certain councils are getting it right? Is it because the scale of the issue is such that they must get it right; is it because they are better resourced; or is it just happenstance, because they have people in key positions in social work, education or various agencies who make the system work in a more joined-up and cohesive way than it does in other areas? Is there anything that suggests why the exemplars are exemplars and why others struggle?

Alison Todd: I think that the answer is all three. Sometimes, it is because of key people—I am thinking of a particular assessment process that I have seen in which people managed to get round the benefits system. It is also the case that differences in resources certainly result in differences in what people can achieve.

The Convener: Is it difficult to lay down the pattern of reasons why some areas are better than others?

Lindsay Isaacs: We can come up with individual examples of what works well, but I do not think that there is a formula.

Tommy McFall: There was a comment about informal recognition, saying that we do not want to go down the other road. I remind the committee that I have already said that. This is not a complicated problem. I am in the front line and, as I understand it, it is complicated only when we make it complicated. We are not talking about kinship carers; we are focusing on the children. The 2007 deal in Parliament made that absolutely clear. The problem is that that has not been implemented by local authorities, which claim now that they have been squeezed, that money is tight and so on and so forth.

Another area that I would like to bring to your attention is the amount of money that kinship carers save this country. We estimated three years ago that we as kinship carers saved Glasgow well in excess of £20 million, and the council accepted that figure—when it was not paying us a penny in allowances, it accepted that. In Parliament two years ago, it was estimated that kinship carers—and we are not talking about the army of kinship carers; we are talking only about the 2,000-plus who engage with local authorities—save this country in excess of £300 million. That was stated in Parliament, yet here we are talking about paltry allowances that local authorities cannot plough back into kinship care children—come on.

The Convener: Do you not accept some of the points that have been made about the complexities of the benefits system and the fact, for example, that any money paid to kinship carers is in danger of being removed by that very system?

Tommy McFall: Absolutely, but that does not excuse the fundamental problem. What you suggest does not apply because very few local authorities pay the recommended rates. Some of them are paying £30 or £40, but they can get around the danger that you mentioned if the will is there. This is all about political will, how these children are viewed and the role that they play. I accept and agree that the benefits system is, to say the least, irregular; that it has to be dealt with

at Westminster; and that it contains traps. However, until those issues have been addressed and sorted out, local authorities are—if the will is there—able to make discretionary payments to finance kinship care children. Someone asked why Highland Council was paying £200 to its kinship care children while other authorities were paying out only £30, but the fact is that this issue goes back as long as I have been looking after my grandkid. As I have said, this is all about will, generosity and priorities. For some reason, some local authorities and, indeed, politicians have a strange attitude towards children in kinship care, who are among the most disadvantaged and vulnerable in this country.

Neil Bibby: Going back to the previous discussion about the good advocacy and support that some local authorities are providing to kinship carers and the fact that there is no set formula in that respect, I wonder whether the witnesses have any thoughts about the relationship with resources and how good practice in local authorities is being funded. Are those examples being funded purely by local authorities or is the Scottish Government providing some money?

Lindsay Isaacs: A lot of the examples of good practice and what has seemed to work well that I have scribbled down are not hugely resource intensive and do not, for example, involve paying the kinship care allowance at five times the rate paid by other local authorities. According to what our regional offices have reported to me, what makes a key difference is whether the local authority has a stake in a local peer support group. Those that regularly run or attend such groups seem to understand and are able to respond a lot more effectively to the needs of local kinship carers.

What also makes a difference is having a good referral system to Children 1st and Citizens Advice Scotland to ensure that kinship carers can be directed to and signposted towards the support and help that they need. A dedicated kinship care team in the local authority also makes a huge difference, as does the involvement of other departments in the authority.

I am not saying that such solutions are cost neutral, but they seem to have a very positive impact in a way that is not hugely resource intensive.

The Convener: I know that it is a major issue, but I want to put finance aside for a moment and consider the issue of support services, such as the psychological support for children that Tommy McFall referred to and the other services that have just been listed. Local authority services are, for the most part, provided centrally, although some are provided by voluntary groups. Could progress be made in that respect? Indeed, has any such

progress been made? Is there any good practice that can be shared with regard to those services and other activities, including the access to leisure that was mentioned earlier and is highlighted in the submissions? What other things could be done that would not have a major financial impact on cash-strapped local authorities?

Alison Todd: There is quite a list of free benefits, including free school meals, access to leisure, travel passes and so on that do not involve having to pay out additional money. Giving people free passes to things would make a huge difference. After all, many kinship carers talk about not being able to do the most basic things, even on their own, for a bit of respite.

The Convener: Does that happen in some local authorities at the moment?

Alison Todd: A few, I think.

Lindsay Isaacs: Yes, but the situation is patchy. There was one case, which I do not think I mentioned in our submission, about a child who was moved into kinship care who was going to have to stop going to the same school, where he was very settled and happy, because the local authority would not give him access to travel and the kinship carers could not afford it. That is just one case, but such factors can make a huge difference to the outcome of the kinship care placement.

Alison Todd: One terrible story that I heard was about the fight that someone had to put up to get free powdered milk. I am sure that the administrative cost and the cost of fighting that case was probably about 100 times the cost of the milk vouchers that the local authority said the person was not entitled to. There are a lot of benefits that, even if they are not cost neutral, are very low cost and would make a difference.

Anne Black: We need to look at how we ensure that the corporate parenting role of local authorities includes kinship carers, who sometimes fall off the end. That would help them to access some of the other services that are available across the council.

Our challenge is to get health services to respond. I would not want the committee to think that a foster carer with a foster child or Mr and Mrs Bloggs would get a psychiatric assessment or a mental health service for their child more easily than a kinship carer would get it. There is a critical lack of services for many children in the community. However, we should be reviewing corporate parenting with a view to ensuring that kinship care features on that agenda.

Lindsay Isaacs: When I met Anne Black and Kate Higgins from Children 1st last Friday, we talked about the fact that kinship carers can have

problems before they are formally assessed if they do not have any parental rights and responsibilities. For example, they can have difficulty getting a passport for the child or making decisions about medical or dental treatment. Those issues need to be resolved so that someone who takes on a child can deal with acute or fraught situations. Kate Higgins gave the example of children who had not had any dental treatment for 12 months or two years, while they were in the limbo period. We thought that a piece of work could be done on that, whereby kinship carers could get some sort of authorisation from a local authority to smooth the process of dealing with such difficulties.

Robert Swift: As I mentioned earlier, we should be applying the getting it right for every child principles for all children in Scotland. They should be accessing universal services. Sometimes, kinship carers are not as aware of those as other carers because they have not actively cared for young children recently. The point about specialist workers and specialist teams was a good one. It can be helpful for local authorities to specialise by developing expertise and forming relationships with kinship carers and support groups, and even to initiate and develop support groups.

If a child is formally looked after in kinship care, there should be a child's plan. The ADSW's position would be that some of the highly specific support issues that have been mentioned should be addressed in the child's plan. I would imagine that there is some variation in practice and in the ability of local authorities and their partner agencies to deliver that. Such issues should certainly be addressed through the child's plan, the formulation of which should closely involve the kinship carers.

Neil Findlay: There are two other areas in which there is an impact, the first of which is education. I notice that one of the submissions says:

"Since 2010, all looked after children have a presumed need to additional support in education through the amended Education (Additional Support for Learning) (Scotland) Act 2004."

I presume that that does not apply to kids in this situation who are not classified as looked after.

Lindsay Isaacs: Yes, again there is a disparity between looked-after and non-looked-after children.

Neil Findlay: We need to see how we can address that issue.

Another issue that I can see a problem with relates to housing allocations. If a family moved into a caring situation and had to move property for whatever reason, I do not think that the system would take account of the caring aspect, which

might mean that the problems that the child had experienced would be compounded through the trauma of their having to move outside the community in which they had friends and support. One area that local authorities should perhaps be willing to look at is how the housing allocation system addresses issues of care.

11:15

Jean Urquhart: I want to be clear about the legal status of kinship carers, specifically grandparents. I know that there was an issue a while ago about their having legal rights in relation to their grandchildren. Do they have such rights?

The Convener: There are regulations involved, but grandparents do not have a right to—

Jean Urquhart: Access to their grandchildren.

The Convener: No.

Liam McArthur: We have discussed the pressure on both financial resources and on wider support that has resulted from the exponential rise in the number of people in kinship care as well as in other settings. There is a political consensus on the need for greater focus on the early years and early intervention. I ask the witnesses to look into a crystal ball: are we going to see that rise continuing? If so, we will need not just to address the problems as they are now, but to build up enough capacity to deal with the situations in which we will find ourselves in five or 10 years. Alternatively, are we likely to see a levelling off? In that case, getting to grips with the problems will still be challenging, but not as challenging as it might be on the basis of current trends.

The Convener: Did anyone bring a crystal ball? [*Laughter.*] Alison Todd wants to comment.

Alison Todd: We have to go back to consider the reasons why children become vulnerable and find themselves being looked after by kinship carers or a local authority. There are alcohol problems, drug problems and high levels of poverty, and those things might continue. We need to look to those factors, which result in children needing to be looked after or suffering from neglect, rather than to focus on kinship care, because that would probably address those issues far more efficiently than is the case when children go into the looked-after system. The reasons for children being in that situation are far wider than the kinship care debate.

Tommy McFall: I ask the committee again to keep it in mind that it was the political will of the Scottish Parliament in December 2007 that allowances be paid for kinship-care children that are commensurate with the allowances for children in foster care. I also ask the committee to revisit, if possible, the definition of a looked-after

child, because my submission to you is that it is against natural justice. The Scottish Parliament, along with the reference group, made the interpretation, so I ask you to revisit it. I understand that the Minister for Children and Young People is anxious—or that she is willing—to look again at the issue.

I also ask the Scottish Government to have another conversation with the local authorities and to ask them why they are not stepping up to the plate as they agreed to do in 2007—they signed up to the payments in 2007. When they did that, grandparents—elderly people who look after children—were elated, only it was a case of going up to the top of the hill and then down again. Robert Brown said that we should beware, because it could be that a cruel deception was being practised on elderly grandparents and the means they look after. I think he was right.

The Convener: We are almost out of time, so I will allow Anne Black to make a final comment before I ask everyone round the table to make brief comments that sum up their views. As I said at the beginning, the committee is considering possible inquiries and how it might take forward a number of issues, so I would be interested to hear your views—be brief, if you can—on a remit for what the inquiry should focus on. We will come to that in a moment.

Anne Black: I am interested in the early years agenda; we should remember the early years and early intervention. Intervention could be with an eight-year-old—it needs to be early; for example, it should happen when parents' care of an eight-year-old starts becoming neglectful—as well as with the nought to five-year-olds.

Neil Findlay: I thank the different groups that have come to give evidence. The professional lobby groups that deal with Parliament always add a great deal but, for me, the most compelling and powerful evidence comes from the people on the front line, as has been evident from Tommy McFall's evidence.

The focus of our inquiry must be on cutting through all the different stuff that goes on and delivering for the kids who are affected most. That should always be our focus.

Lindsay Isaacs: I thank you for the opportunity to come along and I encourage the committee to take on kinship care as the topic for a formal inquiry. As we can see from the discussion, elements of the policy certainly work and real progress is being made, but there are also elements that do not work. No one could have predicted many of those, because they are unintended consequences, in that we see how a policy works only when it starts to bed in.

The focus of an inquiry should be on kinship carers as a group in their own right. Problems arise when we try to shoehorn them into the official route for foster carers or birth parents at home. There are elements of overlap with both those groups, but kinship carers stand alone and are different. That needs to be recognised.

The disparity between looked-after and non-looked-after children should also be a key focus. There is a general consensus that that disparity is not fair. Many of the issues that create kinship-care arrangements and the problems that the children and their kinship carers face are the same.

Everyone in the room would echo this point: the inquiry needs to keep children at its centre. Particularly in financial discussions, people can get sidelined into thinking that the kinship carers are desperately fighting for money for themselves. They are not; the money is to support the children and that must be remembered.

Marco Biagi: I agree with Neil Findlay that it has been good to hear front-line opinion from someone who has experienced the issues about which we have been talking.

With kinship carers, we have the same distinction between local government and national standards and the same sort of experiences as we had with looked-after children. Perhaps there is potential to examine the issue and find some solutions when the children's services bill is introduced. Perhaps all hope is not lost.

I will conclude my comments on that incredibly optimistic note.

Stewart Maxwell: Dear, dear, Marco.

Alison Todd: I will echo what Lindsay Isaacs said, although I also wrote it down. We would support a formal inquiry as an opportunity to consider kinship carers as a distinct group, step back from the complexities and knots in which we can be tied, learn from good practice and some of the progress that has already been made and, in doing so, ensure that we focus on the needs of children.

Jean Urquhart: It has been interesting to hear everybody's contribution to the discussion. It is timely, because GIRFEC is only just bedding in in different areas in different ways and there is quite a lot to learn from that.

The growing number of kinship carers makes it an urgent issue, and one that is relevant to the Parliament's work at the moment.

Tommy McFall's contribution was significant in helping us to understand what it feels like to be a kinship carer. The focus of everything that we do should be the child. If the child is the focus, it is

easier to deal with the myriad circumstances. Each case is different, which is why we are increasingly dependent on the understanding of social work departments and the willingness of local authorities to understand the complexities. There is more work to be done, and it is timely that it be done now. I thank the witnesses for their contributions.

Robert Swift: On the early years, crystal balls and so on, local authorities are noticing an increase in babies being born to parents who are misusing substances, which is a particular challenge. Kinship carers will have a role to play in caring for some, but not all, of those children. Strategies are being considered elsewhere for finding permanence and security for those children, for some of whom there will be developmental uncertainty because of their parents' substance misuse. There is also a need for support work with pregnant women who are misusing substances. There is some good work going on, but we need to increase that support and look at how we can give support even at the pre-birth stage, the public education stage and so on.

We have been a bit downbeat about many issues today. There have been improvements in provision for kinship care, but the approach has exposed various complicated issues to do with financial support and the interface between local authority support and benefits, some of which have become easier and some of which remain problematic. Those are important issues that need to be addressed. My experience of kinship-care arrangements is that kinship carers need personal support in managing issues such as contact with birth families and behavioural issues in children who have experienced loss and changes of routine. Anne Black made an important point about the need for local authorities to discharge their responsibilities as corporate parents, and collectively to consider how to address those issues.

We need to bear it in mind that a large number of kinship carers are informal carers—although they would probably not like to be described that way—in that the children that they care for are not looked after. We also need to be wary that we do not accommodate children in order for their kinship carers to access finance. We do not want children in the public care system unless they need to be looked after.

Liam McArthur: I add my thanks to those of colleagues for the witnesses' contributions. It has been a fascinating meeting, which has reinforced my view that there is a timely and useful job of work to be done. As my colleagues were, I was struck by Tommy McFall's contribution. There is a salutary lesson, particularly in the early stages of a

session of Parliament, in that we should set out not only what we expect to achieve but how we are going to achieve it—the means as well as the ends—and that we need to keep the children who are involved at the centre of our thoughts. That is a fairly clear responsibility on us.

Neil Bibby: I thank Tommy McFall and the other witnesses for coming along today—it has been an extremely productive discussion.

The challenges and issues that affect kinship carers and some of the most vulnerable children in society require further investigation in an inquiry. We have heard about local authorities interpreting regulations in different ways and offering different levels of support. We need to examine whether the guidance is sufficient and whether there should be standardisation of assessment and support. We must also consider the effectiveness and funding of the good practice that we have heard exists in local authorities.

We need also to consider Tommy McFall's point about delivery of policies from Parliament. If policy announcements have been made about giving kinship carers the same support as foster carers, the Education and Culture Committee has a duty to scrutinise why that has not occurred.

11:30

Tommy McFall: I have outlined to the committee the type of discrimination that takes place in local authority social work departments of children in kinship care. I could go on and on through to halligolun Tuesday giving you examples. That discrimination should have no place in Scotland in 2012. There is a responsibility on politicians to tackle the issue, to recognise the injustices and, I hope, to start to sort them out. I am by no means suggesting that you have a magic wand. Nevertheless, the starting point is December 2007, when the Parliament agreed an approach and the local authorities signed up to it. Does that mean anything? It certainly never materialised. In fact, the discrimination and the postcode lottery are more entrenched. I hope that you can recognise that and give justice to these kids.

Liz Smith: We need to focus on two issues. First, I am concerned to hear that there is a belief out there that the Parliament and local authorities, or a combination of them, have not come up to the mark. We must take that seriously, because it is obviously a deeply concerning aspect of the current situation. The other interesting issue is about the role that the state should play in providing support, particularly when there are concerns among kinship carers who do not want too interventionist an approach. That is a philosophical dilemma that we have to tackle.

Anne Black: I thank the committee for inviting me. We already have an enormous amount of information. To follow on from Tommy McFall's point, we can go back to documents that were well researched and presented and that were published and accepted by the then Minister for Children and Early Years. We need to go back to those and add in the things that have and have not happened so that we get a good picture. We must then home in on how to make the situation better for children who are in kinship care, because the situation is not right at the moment for all children in kinship care.

Joan McAlpine (South Scotland) (SNP): I apologise for being late for the meeting—unfortunately, I was held up on the train.

I, too, have been struck by the comments today—particularly by those of Tommy McFall. When, about 20 years ago, I interviewed grandparents who were looking after the children of substance-abusing parents, we did not use the term kinship care. So although there is still a long way to go, there has been an advance in that we now recognise kinship carers as a group. Some financial provision has been made for them although, as Tommy McFall says, it is often inadequate.

I reiterate Liz Smith's point that it is of great concern that there is a perception that the Parliament has not delivered: Parliament exists to deliver for the most vulnerable people in Scotland.

There is a wider point about how democracy works. In several areas, Parliament can introduce legislation but is then dependent on local authorities to pass that on. If local authorities do not do so, we must consider the relationship between the Parliament and local authorities, but that is obviously a bigger issue that affects many areas.

We have talked about the contradictions between policies that the Scottish Parliament has put in place and the welfare system and the changes that are taking place in it. That is a very good argument for devolving the welfare system to Scotland and for taking a more streamlined approach, as a number of charities and third sector organisations have suggested.

Lastly, I reiterate the point that Liz Smith and Alison Todd made about the philosophical contradiction between being a kinship carer in need of support and not wanting too much unnecessary intervention in family life.

Mike Callaghan: I thank the committee for the opportunity to provide evidence today. I reiterate my point about local government: councils are as committed as they can be to the kinship care policy, particularly given its crucial importance in

contributing to the early years agenda, GIRFEC and so on.

It is evident that kinship care, fostering and all care for looked-after children must be considered collectively within the full spectrum of care provision rather than in isolation, given the relationships between the various forms of care. That must be taken on board, along with the challenges that have been experienced in the implementation of kinship care in terms of satisfying people's needs.

In addition, it is important that other spheres of Government be involved. The Scottish Government and the UK Government have a role to play in this policy area.

Clare Adamson: As Tommy McFall asserted, disparity in access—to financial support or to services of any kind—goes against natural justice. It is incumbent on us to take that on board: that is the strongest message to come out of today's discussion, which has raised more questions than answers, and possibly more concerns. We have considered definite issues, such as whether the age of the child who goes into kinship care should be relevant. I am not sure that that question has been answered, and I would certainly like to examine it in more detail.

The big concern, which we have discussed a great deal, relates to families. I am concerned that there is a lot of informal support going on in that regard. Perhaps residency orders and permanency orders and the formalisation of those relationships create a barrier to engaging in the process, so we definitely need to take that on board.

The agreement was made only in 2007, and many concerns have been raised, so it would be useful for the committee to take the issue forward.

The Convener: I thank all the witnesses who have come along today for what has been a very interesting and fascinating session. We have all gained a lot of information and insight into some of the problems, if not the answers. I will not go over what everybody said, but there have been some useful contributions from around the table with regard to which areas are most important.

I will mention just one area. Despite all the problems, I think that Robert Swift is right to say that—as others also mentioned—there has been progress over the past few years. It is not as fast and has not gone as far as we all want, but there has been some. That is a slightly positive note to end on.

The committee will discuss its future work programme in the next few weeks. We are considering a number of topics for an inquiry. Just because one topic is chosen, it does not mean

that other topics will not be taken forward in other ways, with reference to either the Government ministers who are involved or, as some people have mentioned, to the proposed children's services bill. There are a number of options, and we will discuss them to decide on the best way forward for our coming work programme and on whether the topic fits in.

I thank everyone for coming along this morning; I have found the session to be very helpful indeed.

11:39

Meeting suspended.

11:43

On resuming—

Appointment of European Union Reporter

The Convener: The third item on the agenda is the appointment of a committee member to serve as European Union reporter. The reporter's role is to act as the champion for EU matters in the committee, and further details are provided in the accompanying paper.

As members know, Claire Baker, who has left the committee, was our previous EU reporter. As well as inviting nominations for the position, I also invite any volunteers to make themselves known.

As there are no volunteers and given that the previous deputy convener took on the role, I nominate the current deputy convener, Neil Findlay.

Neil Findlay: Merci. [*Laughter.*]

Marco Biagi: Do you mean "Merci" or "Mercy"?

The Convener: I take your response as a yes, Neil. If there are no other nominations, I invite the committee to agree that Neil Findlay will be the Education and Culture Committee's EU reporter.

Members *indicated agreement.*

The Convener: Congratulations, Neil.

The committee has agreed to take the next item in private, so we now move into private session.

11:45

Meeting continued in private until 12:15.

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