

Scottish Government submission of 15 November 2023

PE1958/D: Extend aftercare for previously looked after young people, and remove the continuing care age cap

This submission is to provide information and written clarification as requested at the Participation and Public Petitions Committee meeting on 8 November.

The Committee requested:

- Clarification regarding whether legislative change would be required to make the changes requested in PE1958.
- Education outcomes for looked after children, broken down by local authority.
- Data on social work staff retention and recruitment broken down by local authority.

Additional information has been provided on independent advocacy services for children and young people, to support them to understand their rights and to empower them to stay in care longer if that is what they wish, as well as more general support to those who leave care before the age of 16.

During the Committee meeting, Fergus Ewing stated that 14 months after the petition being submitted, Scottish Government had still to provide a written response. A written response was provided to the Committee on 6 October 2022. This is provided at Annex G.

Clarification regarding whether legislative change would be required to make the changes requested in PE1958.

PE1958 calls on the Scottish Parliament to urge the Scottish Government to:

- *Extend aftercare provision in Scotland to ‘previously looked after’ young people who left care before their 16th birthday, on the basis of individual need;*
- *Extend continuing care throughout Care Experienced people’s lives, on the basis of individual need; and*

- *Ensure Care Experienced people are able to enjoy lifelong rights and achieve equality with non-Care Experienced people. This includes ensuring that the UN Convention on the Rights of the Child and the findings of The Promise are fully implemented in Scotland.*

Section 67 of the Children and Young People (Scotland) Act 2014 amended the Children (Scotland) Act 1995 to define eligibility for continuing care (new section 26A). Section 26A of the 1995 Act provides that provision of continuing care applies where an eligible person ceases to be looked after by a local authority and that an eligible person is a person who –

- (a) is at least sixteen years of age, and*
- (b) is not yet such higher age as may be specified.*

The “higher age” is specified by Article 3 of the Continuing Care (Scotland) Order 2015 and specifies that the period to provide Continuing Care under section 26A(6) of the 1995 Act is the period from the date on which an eligible person ceases to be looked after by a local authority until the date of that person’s twenty-first birthday.

Whilst the Scottish Government will be exploring a range of ways to support people with care experience, any alterations to eligibility for continuing care as it is set out in the relevant legislation may require legislative change.

In relation to the third specific request within the petition (“*Ensure Care Experienced people are able to enjoy lifelong rights and achieve equality with non-Care Experienced people. This includes ensuring that the UN Convention on the Rights of the Child and the findings of The Promise are fully implemented in Scotland.*”), as was discussed during the meeting of 8 November, the Scottish Government is committed to working with partners and listening to young people with lived experience, including through a public consultation in 2024, to explore the best approach to lifelong support for people with care experience.

Education outcomes and attendance for looked after children, broken down by local authority.

Information on attainment and destinations of looked after school leavers, and achievement of curriculum for excellence levels for looked after children in Scotland in 2021/22 was published in August 2023.

The key finding was that more looked after children are staying in school for longer and achieving higher qualifications than the previous year. However, there were still large gaps compared with all pupils.

Further, over the last ten years the proportion of looked after school leavers who left school in S4 or earlier has declined and attainment for school leavers who were looked after within the year has increased, especially at SCQF levels 4 and 5.

Tables showing the following information are included as annexes to this submission.

Annex A: Number and percentage of school leavers looked after within the last year by local authority and highest level of attainment achieved.

Annex B: Number and percentage of looked after school leavers in a positive initial and follow-up destination by local authority.

More detail can be found at [Education Outcomes for Looked After Children 2021/22 - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/education/education-outcomes-for-looked-after-children-2021-22).

As data on attendance and exclusions for looked after children is collected every two years, the most recent data to be published is for the year 2020/21.

The key findings were that attendance rates for looked after children increased from 86.8% in 2018/19 to 87.9% in 2020/21, despite a slight decrease in attendance for pupils overall from 93% in 2018/19 to 92% in 2020/21, and that attendance rates for pupils looked after in a foster care placement was higher attendance rates for all pupils. Data for each local authority is included at **Annex C**.

Data on social work staff retention and recruitment broken down by local authority.

In October 2023, the Scottish Social Services Council published their first six-monthly survey report analysing the landscape of Scotland's filled and vacant social worker and senior social worker posts in local authorities. This is the pilot run of a 6-monthly survey capturing a snapshot of the social worker workforce on 30th June 2023, which has been labelled as 'statistics in development'. It will replace an existing census which was run annually in December.

The results reported cover 25 of 32 local authorities; three local authorities did not provide a response (Aberdeenshire, Edinburgh City and South Lanarkshire), one local authority did not supply quantitative data (Aberdeen City), and another three provided data which required further investigation and were omitted (Argyll & Bute, Angus and Highland).

Tables showing the following information are included as annexes to this submission.

Annex D: Table 6: All social worker (SW) and senior social worker (SSW) whole time equivalent (WTE) posts by local authority, December 2018 to 2022 and June 2023.

Annex E: Table 7: WTE vacancies for all SWs and SSWs by local authority, December 2018 to 2022 and June 2023.

Annex F: Table 8: WTE vacancy rate (%) for all SWs and SSWs by local authorities, December 2018 to 2022 and June 2023

More detail can be found at [Social worker filled posts and vacancies six-monthly survey | Scottish Social Services Workforce Data \(sssc.uk.com\)](https://www.sssc.uk.com/social-worker-filled-posts-and-vacancies-six-monthly-survey).

Additional information on independent advocacy services for children and young people, to support them to understand their rights and to empower them to stay in care longer if that is what they wish.

The Scottish Government is committed to Getting it right for every child, providing the right support at the right time so that young people can thrive in life, and to supporting young people with experience of care to access the help to which they are entitled and to realise their full rights. There are a range of actions in place to achieve this.

Grant funding to Who Cares? Scotland to provide a Helpline Service, Corporate Parenting Training and Children's Advocacy for Children's Hearings as part of a national scheme. One of the objectives for the financial year 2022 to 2023 is "to promote high quality independent advocacy services to children and young people, to support them to exercise their rights to be heard within their Hearings and contributing to the recovery of children's hearings from Covid 19 impacts towards stable service.

The Scottish Throughcare and Aftercare Forum (STAF) receives £193,200 pa funding to deliver the following outcomes:

- That the wellbeing and success of young people leaving care across Scotland is indistinguishable from that of their peers in the general population.
- That there is a significant and measurable shift in culture and improved understanding by all corporate parents working with young people from a care experienced background leading to improved outcomes.
- That young people from a care experienced background are informed and empowered to stay in care longer, if that is what they wish, in placements that meet their needs.

There are a number of advocacy schemes in operation currently, including a national helpline operated by Who Cares? Scotland (funded by Scottish Government), and the national Children's Hearings Advocacy scheme, enacted in November 2020, which is offered Scotland wide by ten third sector providers and backed by an initial £1.5 million and increased to £2 million in 2022-23 and 2023-24.

More general support for those that leave care before the age of 16.

The Scottish Government provides funding to organisations which support care experienced people directly, and who work with local authorities to help support those with experience of care.

Through the Care Experienced Children and Young People Fund, £60m has been provided to local authorities to support attainment and wellbeing, including the development of a network of virtual school headteachers.

Our guidance is explicit in our expectation that corporate parents work collaboratively to deliver integrated support to young people.

The emphasis of the legislation, regulations and guidance is on ensuring that the young person is supported to develop in all aspects of their lives. Our guidance is explicit that the principles of Getting it right for every child should be at the core of the pathway assessment, including everyone working together in local areas and across Scotland to improve outcomes for children, young people and their families.

I trust that the information above is helpful to the Committee.

Annex A – Table showing number and percentage of school leavers looked after within the last year by local authority and highest level of attainment achieved, 2022.

Table 1.5: Number and percentage of school leavers looked after within the last year by local authority and highest level of attainment achieved, 2022 [Note 1]

Local authority	Number of school leavers	Percentage with 1 or more qualification at SCQF level 3	Percentage with 1 or more qualification at SCQF level 4	Percentage with 1 or more qualification at SCQF level 5	Percentage with 1 or more qualification at SCQF level 6	Percentage with 1 or more qualification at SCQF level 7
Aberdeen City	46	87.0	76.1	39.1	10.9	2.2
Aberdeenshire	34	91.2	88.2	61.8	20.6	8.8
Angus	18	94.4	83.3	55.6	11.1	5.6
Argyll and Bute	8	100.0	75.0	62.5	25.0	12.5
City of Edinburgh	92	87.0	77.2	48.9	19.6	1.1
Clackmannanshire	21	90.5	81.0	61.9	14.3	0.0
Dumfries and Galloway	22	90.9	81.8	50.0	9.1	0.0
Dundee City	25	84.0	68.0	28.0	4.0	0.0
East Ayrshire	22	86.4	81.8	18.2	9.1	0.0
East Dunbartonshire	19	89.5	89.5	63.2	15.8	0.0
East Lothian	12	83.3	75.0	33.3	8.3	0.0
East Renfrewshire	15	86.7	80.0	40.0	26.7	0.0
Falkirk	22	90.9	81.8	40.9	18.2	4.5
Fife	65	92.3	84.6	46.2	10.8	0.0
Glasgow City	232	89.7	79.3	54.3	23.3	3.9
Highland	38	81.6	78.9	57.9	21.1	2.6
Inverclyde	17	88.2	70.6	41.2	17.6	0.0
Midlothian	10	100.0	70.0	40.0	10.0	0.0
Moray	8	75.0	75.0	37.5	12.5	0.0
Na h-Eileanan Siar	2	100.0	100.0	0.0	0.0	0.0
North Ayrshire	29	93.1	72.4	37.9	10.3	3.4
North Lanarkshire	80	87.5	67.5	35.0	17.5	2.5
Orkney Islands	1	100.0	100.0	100.0	0.0	0.0
Perth and Kinross	23	95.7	87.0	56.5	13.0	4.3
Renfrewshire	46	78.3	73.9	47.8	10.9	2.2
Scottish Borders	20	95.0	85.0	25.0	10.0	5.0
Shetland Islands	3	66.7	66.7	0.0	0.0	0.0
South Ayrshire	17	88.2	76.5	47.1	11.8	5.9
South Lanarkshire	46	87.0	80.4	43.5	13.0	2.2
Stirling	23	82.6	78.3	34.8	13.0	4.3
West Dunbartonshire	23	78.3	78.3	43.5	13.0	0.0
West Lothian	29	89.7	75.9	31.0	3.4	0.0
Scotland	1,068	88.2	78.3	46.1	15.9	2.5

Note 1. Figures are for the local authority responsible for the looked after child. Looked after children may attend school in a different local authority to the one that is responsible for them.

Annex B – Table showing the number and percentage of looked after school leavers in a positive initial and follow-up destination by local authority for 2021/22.

Table 2.4a: Number and percentage of looked after school leavers in a positive initial and follow-up destination by local authority, 2021/22 [Note 1], [Note 2]

Local Authority	Initial survey Number	Initial survey Percentage in a positive destination	Follow-up survey Number	Follow-up survey Percentage in a positive destination
Aberdeen City	46	71.7	46	67.4
Aberdeenshire	34	88.2	34	73.5
Angus	18	83.3	18	72.2
Argyll and Bute	8	87.5	8	50.0
City of Edinburgh	92	88.0	92	71.7
Clackmannanshire	21	85.7	21	61.9
Dumfries and Galloway	22	81.8	22	77.3
Dundee City	25	76.0	25	48.0
East Ayrshire	22	86.4	22	72.7
East Dunbartonshire	19	94.7	19	94.7
East Lothian	12	83.3	12	58.3
East Renfrewshire	15	93.3	15	93.3
Falkirk	22	72.7	22	68.2
Fife	65	90.8	65	64.6
Glasgow City	232	94.0	232	80.6
Highland	38	81.6	38	71.1
Inverclyde	17	76.5	17	41.2
Midlothian	10	100.0	10	90.0
Moray	8	75.0	8	75.0
Na h-Eileanan Siar	2	50.0	2	50.0
North Ayrshire	29	82.8	29	72.4
North Lanarkshire	80	78.8	80	51.3
Orkney Islands	1	100.0	1	100.0
Perth and Kinross	23	82.6	22	81.8
Renfrewshire	46	76.1	46	65.2
Scottish Borders	20	85.0	20	80.0
Shetland Islands	3	33.3	3	66.7
South Ayrshire	17	100.0	17	94.1
South Lanarkshire	46	84.8	46	73.9
Stirling	23	87.0	23	69.6
West Dunbartonshire	23	78.3	23	69.6
West Lothian	29	55.2	29	34.5
Scotland	1,068	84.8	1,067	70.4

Note 1. Positive destinations includes higher education, further education, training, voluntary work, employment and personal skills development.

Note 2. Figures are for the local authority responsible for the looked after child. Looked after children may attend school in a different local authority to the one that is responsible for them.

Annex C – Table showing percentage attendance for children looked after within the last year by local authority and gender, 2020/21.

Percentage attendance for children looked after within the last year by local authority and gender, 2020/21⁽¹⁾⁽²⁾

	Female	Male	Total
Aberdeen City	88	90	89
Aberdeenshire	93	92	92
Angus	88	85	86
Argyll and Bute	91	91	91
City of Edinburgh	88	89	89
Clackmannanshire	90	90	90
Dumfries and Galloway	85	89	87
Dundee City	89	88	88
East Ayrshire	84	84	84
East Dunbartonshire	90	89	90
East Lothian	85	90	87
East Renfrewshire	85	82	84
Falkirk	88	86	87
Fife	90	90	90
Glasgow City	89	88	88
Highland	88	86	87
Inverclyde	83	87	85
Midlothian	91	89	90
Moray	91	88	89
Na h-Eileanan Siar	89	86	87
North Ayrshire	89	90	89
North Lanarkshire	85	81	83
Orkney Islands	88	88	88
Perth and Kinross	90	89	89
Renfrewshire	85	88	87
Scottish Borders	90	82	85
Shetland Islands	93	93	93
South Ayrshire	89	90	90
South Lanarkshire	87	85	86
Stirling	86	87	86
West Dunbartonshire	89	87	88
West Lothian	90	90	90
Scotland	88	88	88

(1) Figures are for the local authority responsible for the looked after child. Looked after children may attend school in a different local authority to the one that is responsible for them.

(2) The figures reported for 2020/21 refer to attendance during the periods in which schools were open to all pupils.

Annex D – Table showing all social worker and senior social worker whole time equivalent posts by local authority, December 2018 to 2022 and June 2023.

SW Social worker
SSW Senior social worker
WTE Whole time equivalent

Table 6: All SW and SSW WTE posts by local authority, December 2018 to 2022 and June 2023

Local Authority	2018	2019	2020	2021	2022	June 2023	% change since 2018	% change 2022 to June 2023
Clackmannanshire	56	52	56	54	54	50	-11.1%	-8.4%
Dumfries & Galloway	156	145	151	158	160	162	4.0%	0.9%
Dundee City	200	208	195	204	203	205	2.5%	0.8%
East Ayrshire	179	173	192	178	187	193	7.8%	3.1%
East Dunbartonshire	96	83	70	77	74	87	-9.2%	17.3%
East Lothian	83	92	99	95	96	88	5.7%	-8.9%
East Renfrewshire	66	68	64	86	91	87	30.5%	-4.6%
Falkirk	137	132	122	142	156	163	19.4%	5.0%
Fife	366	383	390	380	390	381	4.1%	-2.2%
Glasgow City	683	778	712	841	917	858	25.6%	-6.4%
Inverclyde	105	107	97	110	106	102	-3.2%	-3.4%
Midlothian	89	66	75	89	77	83	-6.7%	8.0%
Moray	126	127	126	130	128	125	-0.5%	-2.0%
Na h-Eileanan Siar	18	16	16	16	18	20	12.1%	16.0%
North Ayrshire	181	183	183	191	184	183	0.8%	-0.5%
North Lanarkshire	326	305	317	356	337	337	3.2%	-0.2%
Orkney Islands	23	23	25	28	31	23	-1.7%	-26.1%
Perth & Kinross	123	125	135	142	145	153	24.4%	4.9%
Renfrewshire	235	231	233	232	241	221	-5.9%	-8.4%
Scottish Borders	117	108	108	109	109	117	0.1%	7.1%
Shetland Islands	27	24	32	32	29	33	20.4%	11.6%
South Ayrshire	115	97	103	104	102	109	-5.8%	6.9%
Stirling	59	64	62	67	73	72	23.3%	-0.9%
West Dunbartonshire	125	124	126	123	129	124	-0.5%	-3.7%
West Lothian	179	167	175	185	189	196	9.4%	3.7%
Total	3,871	3,883	3,865	4,131	4,226	4,171	7.7%	-1.3%

Annex E – Table showing whole time equivalent vacancies for all social workers and senior social workers, December 2018 to 2022 and June 2023.

SW Social worker
SSW Senior social worker
WTE Whole time equivalent

Table 7: WTE vacancies for all SWs and SSWs by local authority, December 2018 to 2022 and June 2023

Local Authority	2018	2019	2020	2021	2022	June 2023
Clackmannanshire	3	6	1	6	3	9
Dumfries & Galloway	20	7	12	28	19	19
Dundee City	9	3	14	7	27	23
East Ayrshire	18	12	18	15	31	33
East Dunbartonshire	2	1	0	0	0	16
East Lothian	9	0	2	0	2	12
East Renfrewshire	3	18	14	16	12	6
Falkirk	16	16	0	46	29	48
Fife	5	16	28	32	45	8
Glasgow City	10	50	17	62	6	74
Inverclyde	0	4	0	0	2	20
Midlothian	1	0	0	1	0	1
Moray	7	6	10	5	13	16
Na h-Eileanan Siar	3	2	2	0	5	3
North Ayrshire	13	16	8	5	24	29
North Lanarkshire	22	40	33	34	69	74
Orkney Islands	0	0	6	6	12	14
Perth & Kinross	0	1	1	2	4	10
Renfrewshire	32	45	46	60	39	55
Scottish Borders	0	0	0	0	26	29
Shetland Islands	3	0	0	0	0	1
South Ayrshire	5	6	5	18	31	12
Stirling	10	2	4	9	5	18
West Dunbartonshire	0	0	0	0	0	27
West Lothian	3	11	0	0	4	3
Total	193	261	220	351	407	558

Annex F – Table showing whole time equivalent vacancy as a percentage for all social workers and senior social workers, December 2018 to 2022 and June 2023.

SW Social worker
SSW Senior social worker
WTE Whole time equivalent

Table 8: WTE vacancy rate (%) for all SWs and SSWs by local authorities, December 2018 to 2022 and June 2023

Local Authority	2018	2019	2020	2021	2022	June 2023
Clackmannanshire	5.1	10.4	1.8	9.2	5.2	15.3
Dumfries & Galloway	11.4	4.5	7.4	15.1	10.6	10.6
Dundee City	4.3	1.4	6.7	3.2	11.7	9.9
East Ayrshire	9.1	6.4	8.6	7.6	14.1	14.7
East Dunbartonshire	2.0	1.2	0.0	0.0	0.0	15.2
East Lothian	9.7	0.0	2.0	0.0	2.0	11.6
East Renfrewshire	4.3	20.8	18.2	15.7	11.7	6.5
Falkirk	10.3	10.6	0.0	24.6	15.7	22.6
Fife	1.3	4.0	6.6	7.8	10.4	2.1
Glasgow City	1.4	6.0	2.3	6.9	0.7	7.9
Inverclyde	0.0	3.6	0.0	0.0	1.9	16.2
Midlothian	1.1	0.0	0.0	1.1	0.0	1.2
Moray	5.1	4.6	7.7	3.7	9.2	11.3
Na h-Eileanan Siar	12.1	11.0	11.0	0.0	22.1	12.8
North Ayrshire	6.7	7.9	3.9	2.5	11.6	13.6
North Lanarkshire	6.3	11.7	9.4	8.7	16.9	18.0
Orkney Islands	0.0	0.0	19.4	17.6	27.8	37.3
Perth & Kinross	0.0	0.5	0.7	1.1	2.4	6.2
Renfrewshire	11.9	16.5	16.4	20.6	13.9	19.9
Scottish Borders	0.0	0.0	0.0	0.0	19.1	19.9
Shetland Islands	9.9	0.0	0.0	0.0	0.0	3.8
South Ayrshire	4.2	5.4	4.2	14.7	23.5	9.9
Stirling	14.5	3.0	5.5	11.3	6.6	19.9
West Dunbartonshire	0.0	0.0	0.0	0.0	0.0	18.1
West Lothian	1.6	6.2	0.0	0.0	1.8	1.5
Total	4.7	6.3	5.4	7.8	8.8	11.8

Annex G

Scottish Government submission of 6 October 2022

PE1958/A: Extend aftercare for previously looked after young people, and remove the continuing care age cap

Thank you for your email of 9 August 2022 on behalf of the Citizen Participation and Public Petitions Committee seeking the Scottish Government's views on the following petition, lodged by Jasmin-Kasaya Pilling:

Calling on the Scottish Parliament to urge the Scottish Government to:

- *Extend aftercare provision in Scotland to 'previously looked after' young people who left care before their 16th birthday, on the basis of individual need;*
- *Extend continuing care throughout Care Experienced people's lives, on the basis of individual need; and*
- *Ensure Care Experienced people are able to enjoy lifelong rights and achieve equality with non-Care Experienced people. This includes ensuring that the UN Convention on the Rights of the Child and the findings of The Promise are fully implemented in Scotland.*

As the Committee will be aware, the Scottish Government is committed to 'Keeping the Promise' as a matter of priority and ensuring that all young people are provided with person-centred support to enable positive transitions from care to more independent living.

Continuing care and aftercare policies are both key components of the measures introduced or expanded in the Children and Young People (Scotland) Act 2014 (the 2014 Act) to improve outcomes for young people leaving care. Continuing care and aftercare are both available to young people who are care leavers; which is legally defined as a young person who has been looked after on or after their sixteenth birthday but have now ceased to be looked after.

These policies enable and encourage care leavers to have a supported transition from care by staying in their care setting up to the age of 21, and receiving bespoke support from their local authority up to the age of 26 based on an assessment of individual need.

These policies are supplemented with a broader package of support available for young people with care experience such as; the Care Experience Student Bursary, support into education, training and employment through the Young Person's Guarantee, and exemption from Council Tax. We have also committed to investing £10 million per year towards introducing a Care Experience Grant to provide young people with care experience additional financial support.

In March of this year, we published the Scottish Government's Promise Implementation Plan which sets out how we are working across Government to Keep the Promise we have made to Scotland's children and young people who are care experienced.

This Plan sets out a number of key commitments that we are taking forward to Keep The Promise and help provide children and families with the strong foundations they need to thrive. This includes our commitment to work with partners to develop a universal and inclusive definition of care experience to include anyone who has been, or is currently, looked after at any stage in their life, no matter how short.

The Scottish Government is committed to the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scot's law, to the maximum extent possible. The UNCRC (Incorporation) (Scotland) Bill intends to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. It would require all Scotland's public authorities to take proactive steps to ensure the protection of children's rights in their decision-making and service delivery and make it unlawful for public authorities, including the Scottish Government, to act incompatibly with the UNCRC requirements as set out in the Bill. Children, young people and their representatives would have a new ability to use the courts to enforce their rights. In October 2021, the UK Supreme Court found certain provisions in the Bill to be outwith the legislative competence of the Scottish Parliament. We are currently working at pace to address this and it is our intention that a revised Bill will be submitted to Parliament.

We remain fully committed to improving the lives of our care experienced young people and ensuring that Scotland is the best place for children and young people to grow up. As we move forward with the Promise Implementation Plan, we will continue to work with young people with lived experience, and the broader sector, to explore how we

can ensure that people with experience of care are able to obtain the person-centred support they may require throughout their life.

I trust that the information above is helpful to the Committee.