Minister for Children, Young People and Keeping the Promise Ministear airson Clann, Daoine Òga is Cumail ris a' Ghealladh



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23 January 2024

Dear Sue Webber MSP

Thank you for your letter of 18 December setting out the findings of the recent evidence session on the second report from the Promise Oversight Board and the progress made towards achieving The Promise. I welcome the ongoing engagement and scrutiny by the Committee and the valuable contributions made by all stakeholders who attended the session in November.

The Scottish Government is resolute in its commitment to Keep The Promise and ensuring that all care experienced children and young people grow up safe, loved and respected. Since my time in office I have been encouraged by the clear progress that is being made across Scotland. I have visited a broad range of organisations and seen first hand the excellent work being undertaken at a local and a national level. Going forward it is incumbent on all to take the opportunity to ensure that the good practice that is underway can become common practice.

Over the past year the Scottish Government has continued to progress actions across Ministerial priorities. The introduction of the dedicated Cabinet Sub-Committee on the Promise, chaired by The First Minister, will help drive this cross government approach to change. Specific actions that the Committee may wish to note include:

- Investment of an additional £16m to introduce the Scottish Recommended Allowance for kinship and foster carers, which will benefit over 9,000 families.
- Introduction of the Children's Care and Justice Bill which will give effect to key aspects of The Promise.
- Public consultation and engagement on a £2,000 Care Leaver Payment to support our young people as they move on from care.
- Progress on 6 pilot Bairns' Hoose Pathfinders backed by £6m investment, a significant step in our move towards adoption of the Bairns' Hoose Model in Scotland.







It is essential that we are not complacent and that all partners and stakeholders across Scotland work together to improve the lives of our care experienced children, young people and adults. The Scottish Government is committed to lead from the front and we will continue to engage with the care community and valued stakeholders across Scotland to move forward with this work.

Thank you for the detailed questions provided by the committee, I have provided a full response to each of the specific points raised and set this out in **Annex A.** 

Natalie Don
Minister for Children, Young People and Keeping The Promise





### Workforce

The Committee was particularly concerned to hear that those most affected by the Promise feel that their views are not being listened to (cols 29, 67). That includes children and young people themselves, as well as the wider workforce. **The Committee, therefore, seeks details of the next steps you will undertake to ensure that these issues are remedied urgently**.

The Scottish Government acknowledges the significant pressures that social care and social work workforces continues to face, and are committed to taking immediate action to address some of the challenges the committee has raised. Attracting and retaining the right people, as well as developing the workforce in their roles and raising the status of social care as a profession, remains a key focus for the Scottish Government.

As the committee has noted, to maintain an adaptable social care workforce will require flexibility in training and skills development of some existing staff groups. This is required to help enable them to undertake work in priority areas, enhance the skills mix and strengthening their knowledge of the care sector.

Through this work the Scottish Government continues to work with Scottish Social Services Council (SSSC) and key partners to upskill and develop the workforce, and promote career opportunities in order to address recruitment and retention issues, as well as attract new people to the sector to ensure the sustainability of services in the future.

Hearing the voices of children, young people, families, and those who support them, remains a top priority for the Scottish Government. Children and young people have already provided significant commentary on the refresh of the national Getting It Right For Every Child (GIRFEC) guidance, the review of the children's hearings system and the development of Bairns' Hoose.

Around 1400 members of the workforces supporting children and families recently participated in a workforce survey as part of independent research to inform the future of children's services. The contributions made through that survey and other ongoing activity with children, families and the workforces, will directly inform reform and improvement work for children.

Furthermore, the Scottish Government are working with key stakeholders to develop an effective voice of the workforce in the care sector, this will include a new national framework for social care and social work has been initially agreed by Scottish Ministers and COSLA Leaders as part of ongoing discussions on the National Care Service (Scotland) Bill.

Therefore, the Committee asks that you set out the steps you will be taking to address the above concerns and the associated timeframe to ensure the successful delivery of the overall aims of the Promise consistently with the goals stated in the <a href="Programme for Government 2022 to 2023">Programme for Government 2022 to 2023</a> (col 36).

The Scottish Government have developed a joint Workforce Improvement Plan with COSLA and key stakeholders which seeks to address the recruitment and retention challenges facing the Social Work (SW) profession which include, implementing workforce







improvements and refining social work vacancy data to enhance increased accuracy in planning for the demands of the future workforce.

Through this work the Scottish Government continues to work collaboratively with stakeholders who include COSLA, Social Work Scotland, Scottish Association of Social Workers (SASW), Unison and Scottish Social Services Council (SSSC) to ensure the Improvement Plan is influenced and informed by the voices of social work and other key stakeholders.

In particular, the Committee asks that you provide further detail about the steps the Scottish Government will take to ensure the impending workforce improvement plan dovetails with cross-sector workforce planning in other areas such as education; including what support teachers will be afforded to understand the impact of care experience and ensure that Scotland is "the best place in the world for children to grow up" per the strategy set out in the Scottish Government's Keeping the Promise implementation plan

Work is ongoing with Education Scotland, COSLA and the Association of Directors of Education in Scotland (ADES), to develop and agree meaningful, measurable outcomes in response to the Education asks within The Promise. This work aims to focus on improving the experience, achievement, engagement in learning and attainment of those with care experience and their transition from education.

The aim is for this work to help education authorities identify opportunities to support care experienced children and young people at the earliest opportunity with a view to preventing the need for more targeted interventions.

In addition, the Committee asks for reassurances as to how you will ensure that the voices of stakeholders are heard and reflected on in the social workforce improvement plan.

The Committee will be aware that the Centre for Excellence for Children's Care and Protection (CELCIS) was commissioned in June 2022 to carry out independent research to help inform the future of the delivery of children's services. CELCIS published their fourth research report in November, in which members of the Children's Services workforce highlight opportunities, challenges and barriers within the services in which they operate.

The Scottish Government is committed to making effective use of the research. Work is underway to develop a programme of improvement activity which will include action to address workforce challenges set out in the fourth research report, in order to deliver improvements to Children's Services in Scotland.

The voices of partners and the workforces supporting children and families in Scotland will continue to be heard as we look to further develop a collaborative approach to respond to challenges across social care and social work support for children and families.







# **Early Intervention**

The Committee recognises the role early intervention is likely to play in achieving the Promise and seeks further information from the Scottish Government about future allocations of the WFWF. Can you confirm whether the Scottish Government still intends to allocate £500 million over this Parliamentary session?

The Scottish Government remains committed to investing £500m in Whole Family Wellbeing to improve holistic family support so that families get the right support, in the right way and at the right time. Our investment is being shaped by work across the Scottish Government to explore how preventative investment can be brought together to help Scotland tackle child poverty, recover from the Covid pandemic, and keep The Promise.

The Scottish budget 2024-25 statement, announced on 19 December 2023, confirms that through this budget we will keep The Promise to Scotland's care-experienced children and young people, providing £50 million through the Whole Family Wellbeing funding for holistic family support.

Engagement is ongoing with stakeholders on the idea of a longer-term approach to the WFWF, in light of the emerging evidence from our evaluation and wider engagement with partners. In recognition of the time it takes to deliver this type of transformational change, we understand that further support is required to support both sustainability of services beyond the lifetime of the fund, and the shift to preventative spend.

As set out in the Programme for Government, the Scottish Government will publish a Whole Family Wellbeing investment approach to supporting the provision of preventative, holistic family support in due course. We are therefore actively considering what partners have fed back to us and will update Parliament again once this process has concluded.

## **Exclusions**

The Committee would welcome some reassurances from you about how you intend to address this issue and move toward limiting formal and informal exclusions as set out in The Promise's Plan 21-24.

As the Committee notes, the Promise highlighted the disproportionate levels of exclusion among care experienced children and young people and called for an end to the use of exclusion. Whilst this action will need to be carefully considered, the Scottish Government's position continues that in all cases, exclusion should be a last resort and be a proportionate response where there is no appropriate alternative. The wellbeing of the young person should be the key consideration.

As set out earlier in this response, work is underway with Education Scotland, COSLA and the Association of Directors of Education in Scotland (ADES) to develop and agree meaningful, measurable outcomes in response to the Education asks within The Promise. This work aims to focus on improving the educational outcomes of care experienced children and young people which includes increased attendance and reduced exclusion, improved staying on rates, improving achievement and attainment, and increasing the number of care experienced children and young people going into and sustaining a positive destination upon leaving school.







The aim is for this work to help education authorities identify opportunities to support care experienced children and young people at the earliest opportunity with a view to preventing the need for more targeted interventions.

The Scottish Government guidance Included, engaged and involved part 1: promoting and managing school attendance makes it clear that the time in which children and young people attend Children's Hearings is considered as authorised absence rather than exclusion from school. The concern that children and young people may miss out on learning as a result of attending hearings and meetings is recognised, but it is also important that children and young people are enabled to be part of the processes where decisions are made which impact upon their lives, in some instances, this requires that children and young people must miss school to attend these meetings.

# **Change and Sequencing**

The Committee remains gravely concerned by the current delivery approach whereby various pieces of work requiring changes are not being addressed in tandem. Please can you provide further details of the work the Scottish Government will undertake and/or has begun to map out the full range of changes required to implement the Promise fully by 2030, including consideration of the sequencing of change, consultation with affected stakeholders, and any adjustments that have been made as a result of this consultation work?

The Scottish Government published its Promise Implementation Plan in March 2022. This set out the broad range of actions and commitments across Ministerial portfolios that will contribute to the national mission to keep The Promise by 2030. Since publication, work continues to connect activity across policy areas and to align the activities underway to bring the change required for children and young people engaged in the care system; children, young people and families on the edge of care; care experienced young people who are transitioning out of the children services system; and adults who are care experienced.

Fiona Duncan, in her Ministerial appointed role as Independent Strategic Advisor for the Promise, has committed to the development and publication of Plan 24-30 by June this year. This Plan will set the strategic direction for delivery, across all stakeholders, over the next six year period. Ms Duncan has recently written to all stakeholders inviting them to provide an update on progress and the Scottish Government will respond in accordance with this request.

Monitoring and reporting progress is essential to best inform impact and set the further direction required to bring the change necessary. The Scottish Government is working closely with COSLA, The Promise Scotland and other public sector partners to develop a monitoring framework, informed by key qualitative and quantitative data. This work will complement the forward actions to be set in Plan 24-30 and going forward will support the work of the Promise Oversight Board.

The committee have asked specifically about sequencing in relation to the Childrens Care and Justice (CCJ) Bill. Co-ordination, rather than conflation, is the key to the successful delivery sequencing of the legislative, structural, functional and practice elements of the Promise - by 2030. Bringing initiatives together would only exacerbate the capacity and delivery worries that most Committee witnesses with service responsibilities in the sector have been concerned about.







Delivery of the 'CCJ' Bill, if passed, will precede delivery of future children's hearings redesign options. The Bill is much more mature, having been introduced to Parliament over a year ago. Ministers have only just taken an initial view on the latter as the Hearings System Working Group (HSWG) recommendations were published in May 2023 and the associated legal materials and financial modelling were only received by the Scottish Government in September. The Government response on the children's hearings redesign recommendations was published on 21 December 2023.

Children's hearings redesign will certainly require phased efforts over the years to 2030 to realise, as page 35 of the Government's response makes clear. In contrast, the CCJ Bill policy has been in development since 2020. Therefore, nothing in the CCJ Bill currently relies on children's hearings redesign. The Bill was developed and introduced 7 months before the redesign recommendations were published.

Parliament's intentions with respect to the CCJ Bill need to be confirmed before finalising commencement and implementation plans. If the Bill passes, indicative internal planning is to prioritise provisions on ending under 18 placements in YOI and victims' entitlements in 2024. The remainder of Bill provisions would be phased in as soon as is safely possible across the Parliamentary term (to March 2026).

The Bill has its own standalone Resourcing and Implementation group (which has been meeting from summer 2024), separate from the governance framework overseeing the redesign work.

As to redesign, a Redesign Board is being established with core statutory partners, that is to be co-chaired with COSLA and meets for the first time on 18 January. That Board will be the vehicle for taking forward the 'practice and procedure' / non-legislative improvements across 2024 and 2025. It is also expected that the Board will take an active interest in the sequencing and coordination of key pieces of work across children's hearings. Subject to approval, a primary legislative vehicle for the children's hearings system changes is likely to be needed.

Legislative approaches to new policy preferred by Ministers, and other options, will require proper public consultation. That will be conducted in spring 2024. Summer 2024 would see analysis and then adoption of final Ministerial policy positions for a Bill later this Parliament. If that Bill is passed, the children's hearings redesign changes will need to be phased in across the years 2026-30, still in time for the Promise.

Ministers and officials will continue to work closely with the key statutory bodies. Any changes need to be properly planned and sequenced with other important work in the child care and justice sectors. This will allow professionals in the system to continue in their critical role of supporting children daily, while we prepare for potential changes.

In the meantime, and for some time to come, Scotland's children and young people still need the support of the current system. We continue to count on the proven dedication, skill and commitment of volunteers and professionals.







## **Premature Deaths**

The Committee seeks further information about how learning and understanding around the early deaths of care experienced people is developed and shared across organisations involved in keeping the Promise, including the Scottish Government's role in this work.

Firstly let me note the deeply personal and in too many cases traumatic nature of the premature death of members of our care experienced community. The discussion during the Committee highlighted the importance of our collective duty to listen, to learn and to act.

As noted in your letter, the Scottish Government is providing funding to Health Improvement Scotland and the Care Inspectorate to operate a National Hub for Reviewing and Learning from the Deaths of Children and Young People. The National Hub will conduct a review of the deaths of all live born children up to the date of their 18th birthday, or 26th birthday for care leavers who are in receipt of aftercare or continuing care at the time of their death.

It will not seek to replace or duplicate any pre-existing reviews. It will use the evidence from other reviews and data sources to improve shared learning in order to reduce the number of preventable deaths (and harm) of children and young people. The first data report for the National Hub covering the period October 2021 – March 2023 will be published early this year.

Additionally, under regulation 6 of The Looked After Children (Scotland) Regulations 2009 (as amended) ("the LAC Regulations"), in the event of the death of a child who is looked after by them a local authority is required to immediately notify i) the Scottish Ministers ii) the Care Inspectorate and iii) as far as is reasonably practicable, every parent of the child and every person who has any parental responsibilities or parental rights in relation to the child, except where the child is living with such a person.

# The guidance sets out:

- The statutory duty to notify both the Care Inspectorate and Scottish Ministers of the death of a looked after child;
- The procedures that local authorities and the Care Inspectorate should undertake following the death of a looked after child; and
- The process through which Scottish Ministers can request additional information in the event of a death of a looked after child.

The Scottish Government has also developed clear and robust internal processes to improve the recording of notifications of deaths of looked after children to ensure that appropriate procedures are in place for Scottish Ministers to instruct further review of individual cases if required, and to monitor progress of any follow up requests from Scottish Ministers for further information.

In addition to the National Hub and the Guidance supporting the Looked After Children Regulations, the Care Inspectorate, on behalf of the Scottish Government, acts as a central collation point for all learning reviews carried out by Child Protection Committees (CPCs) in Scotland. The Care Inspectorate is responsible for reviewing the effectiveness of the processes for each learning review and for providing feedback to individual Chief Officer Groups and CPCs.

covered by the terms of the Lobbying (Scotland) Act 2016. See <a href="https://www.lobbying.scot">www.lobbying.scot</a>







Learning Reviews are a means for public bodies and office holders, to learn lessons from considering the circumstances where a child has died or been significantly harmed. National guidance published in 2021 supports Child Protection Committees to reflect, learn and improve child protection systems and practice when a child or young person dies, is significantly harmed, or was at risk of death or significant harm or where effective practice has prevented harm or risk of harm. The guidance sets out a range of possible criteria for undertaking a Learning Review, including consideration of whether the child was care experienced.

As the Committee heard from Mr Mitchell, the Care Inspectorate serves as the central repository for all significant case reviews and initial case reviews, as well as Learning Reviews, into the deaths of children and young people. Since 2012 it has published three triennial reports and one annual report (after the move to Learning Reviews) which have provided national overviews of learning.

# **Sibling Contact**

The Committee would welcome further information on what steps the Scottish Government will take to address these ongoing issues, including what you are doing to monitor the implementation of the 2021 legislation and any associated timeframe for this.

As the Committee has recognised, the introduction of siblings legislation in 2021 was a vital step in recognising the importance of siblings relationships, and keeping brothers and sisters together and connected is fundamental to keeping The Promise. Decisions about where children and young people should live must always be made with the aim of safeguarding and protecting the welfare of the child as the paramount consideration.

The Scottish Government recognises the complexities of making such determinations and as such, National Practice Guidance to support implementation of the legislation has been published. The aim of the Guidance is to provide a practical resource based on research and evidence about what children need to grow and flourish through positive connections with their siblings. Shortly after the publication of the Guidance, the Siblings: Staying Together and Connected (STaC) National Implementation Group was convened to consider the challenges and opportunities in realising our collective aspiration to keep siblings together.

The <u>Group's final report</u> was published in June 2023 and the Scottish Government are very grateful for the time and expertise of stakeholders involved in this work. We are also thankful a Siblings Community of Practice has been established, something that was a key action in the report and is providing a useful opportunity for practitioners to share learning, practice and knowledge.

A substantial output from the Group was the development of a <u>Staying Together and Connected: Getting it Right for Sisters and Brothers Learning, Development and Leadership Framework and we will work with the Scottish Social Services Council to agree next steps in relation to embedding the required knowledge, skills and abilities, as set out in the Framework, into social work education.</u>

In addition, the children and young people participation group hosted by Who Cares? Scotland provided the views of care experienced young people on the Framework. Further







engagement is underway to understand what work is now required to raise siblings' awareness of their rights to stay together and connected.

Establishing a national picture of the extent to which siblings are placed together is critical to monitoring the implementation of the 2021 legislation. As a result of the National Implementation Group's work, it was agreed that the information that local authorities collect in 2023/24 and report to the Scottish Government would include for the first time, four new data categories related to siblings.

The purpose of these four data items is to understand the extent to which children are placed together with their siblings in care. In recognition of the data complexities, the first year of data collection will be treated as a test of change. This means that the statistics for 2023-24 will be treated as Statistics in Development, not Official or National Statistics. This reflects the intention to work with data users and suppliers to improve and further develop the statistics, and is a normal approach to publishing new statistics. The Scottish Government will continue to work with local authorities as the approach to sibling data develops, including exploring qualitative approaches.

# **Paving the Way Report**

The evidence the Committee heard indicates that to date, the Scottish Government has not provided any response to any of the key asks listed in that report (col 49-50). The Committee asks for your views on the report's recommendations and what actions you intend to take in response to these.

As noted earlier in this response, the Scottish Government published its comprehensive Promise Implementation Plan in March 2022. This sets out a wide range of actions and commitments across Ministerial portfolios. In June 2022, Scottish Government officials joined Who Cares? Scotland (WC?S) for the Paving The Way engagement event held in Glasgow. The event was structured around the key themes and actions identified in the SG Promise Implementation Plan

Following publication of the Paving The Way report WC?S met with senior officials in the Directorate of Mental Health; and also separately met with Officials from The Scottish Government Promise Team to discuss the report in detail. Who Cares? Scotland met with the Minister for Mental Wellbeing and Social Care, Kevin Stewart, to discuss the report on 7 September 2022.

During Care Experienced Week 2022, the First Minister published an Open letter to the Care Experienced community. This letter explicitly recognises the issues raised in the Paving The Way report. For reference, a copy of the letter is included in **Annex B.** The Minister for Children and Young People, Claire Haughey, attended the launch of the WC?S Strategic Plan – which carries forward areas identified in the Paving The Way report - on Sunday 23 October. And then joined the Love Rally in Glasgow that afternoon.

WC?S are a highly valued partner and the Scottish Government is committed to working with them and acknowledge the excellent work that they do every day to support and engage the voice of the care experienced community across Scotland. In this regard, Scottish Government officials regularly meet with WC?S to discuss a wide range of areas, including regular engagement in relation to grant funding agreement.







#### **Priorities**

The Committee seeks further information on the progress of the Cabinet Sub-Group on The Promise as announced by the First Minister during his statement on the 2023-24 Programme for Government. In particular, the Committee would like information about the membership of and priorities identified by this Sub-Group.

The Cabinet Sub Committee for The Promise met for the first time on 31st October 2023. The Committee is chaired by the First Minister and membership comprises of:

First Minister (Chair)
Minister for Children, Young People and Keeping the Promise (Depute Chair)
Cabinet Secretary for Social Justice
Minister for Social Care, Mental Wellbeing & Sport
Cabinet Secretary for Justice & Home Affairs
Minister for Community Wealth and Public Finance
Minister for Drugs and Alcohol Policy

The Cabinet Sub Committee on The Promise's purpose is to explore in greater detail progress on keeping The Promise and decision making on key issues during the life of the programme.

The Committee also seeks further information on whether a progress update on the Scottish Government's 2022 Promise Implementation Plan with be forthcoming in the months ahead.

The Scottish Government continues to connect activity across policy areas and to align the activities underway to bring the change required. This includes ongoing review of progress on the actions and commitments set out within the Scottish Government Promise Implementation Plan. This work will inform the ongoing work, led by The Promise Scotland, to review progress against Plan 21-24 and the development of Plan 24-30, led by the Independent Strategic Advisor for the Promise.









# Rt Hon Nicola Sturgeon MSP First Minister of Scotland

St Andrew's House, Regent Road, Edinburgh EH1 3DG T: 0300 244 4000

## 22, October 2022

To the care community,

I am honoured and privileged to have been able to meet with and speak to many of you over the past few years, and I look forward to meeting more of you in the months and years to come.

I have fond memories of spending time with you at the Kilt Walk and joining in the fun at summer camps. Unfortunately, I am unable to join you this Sunday at the 2022 Love Rally to kick start the annual celebration of Care Experienced Week – but I'm sure that we will be able to arrange more opportunities to meet soon.

Keeping The Promise is more than just a job to me. I am personally committed to making sure each and every one of you grows up feeling loved, safe and protected and that the right support continues to be available for you throughout your life. I have met and heard many stories of children who grow up in care who go onto to flourish and do fantastic things, however I know that doesn't happen for everyone. Your stories really help all of us within the Scottish Government make the changes that are necessary to improve lives.

Who Cares? Scotland published their 'Paving the Way' report a few months ago, and I want to thank all of you who helped develop this, and those who shared messages and clear reminders from the event. In particular, many of you feel that there should be more emphasis put on support for care experienced adults, that mental health should be emphasised more, and that we should be clear on the timescales against which our actions will be delivered.

The 'Paving the Way' report builds on your review of the actions that the Scottish Government has set out it will do in its <a href="Promise Implementation Plan">Promise Implementation Plan</a> that was published in March. These actions include our commitment to:

- Supporting more families to stay together where it is safe to do so by providing £500 million for the Whole Family Wellbeing Funding.
- Introducing legislation later this year which will be called the Children's Care and Justice Bill. This will put an end to placing under 18s in Young Offenders Institutions
- Providing more support to the staff and services who support investment in education, investment in mental health and providing trauma training.
- Ensuring that care experienced adults are supported through investment in our Care Experience Grant, housing and employment support.







I am absolutely committed to keeping The Promise by 2030 but I also recognise that continued action is needed by the Scottish Government, by councils, by local services, by health boards - by all of Scotland – to ensure it

Two and a half years on from the conclusion of the Independent Care Review, I am encouraged by the changes to services, structures and ways of working that have started to happen at both local and national level. We must keep up that good work, and the Scottish Government will continue to put our full efforts behind bringing forward actions as quickly as possible.

You are helping by highlighting the reality of your experience and, once again, I thank you for this – you are making a huge difference which will continue to lead to transformational change across Scotland.

With love,

**NICOLA STURGEON** 



