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Convener
The Social Justice and
Social Security Committee
The Scottish Parliament
EDINBURGH
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Dear Convener

Thank you for providing me with a copy of the Social Justice and Social Security Committee's report on Kinship Carers. I am pleased that the Committee has an active interest in this area, as the Scottish Government believes, in line with The Promise, that wherever possible, the best place for a child to live when they need to leave their birth parents is in the wider family. Kinship care helps a child retain a sense of family, identity and heritage and can enable them to feel safe, protected and valued. This means there is also a responsibility at both a national and local level to support kinship carers so that they are well equipped to love and nurture the children they are looking after.

I note from reading the report that many of the Committee's recommendations are interdependent, with some for the Scottish Government, some for the Kinship Care Collaborative and others for local authorities and the UK Government. My reply, set out at **Annex A**, is in response to those recommendations for the Scottish Government, and also the Kinship Care Collaborative since officials co-chair it with Social Work Scotland. I note that you sent the report separately to COSLA and the UK Government. You will wish to be aware that I have written to the latter in respect of the recommendation for training for Department for Work and Pensions (DWP) staff on kinship care, and copied that letter to the Committee.

More generally, I thought it might be useful to take the opportunity in this covering letter to set out some of the wider action that is happening across Government to support families, including kinship carers.

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As you know, tackling child poverty is a national mission for the Scottish Government and we are using all the powers and resources available to us to support families and tackle the underlying causes of inequality. This is relevant because we know that kinship carers can be disproportionately affected by poverty. It may be because they take on the care of a child or children at a time of their lives when they were not planning to do so, or because they have to give up work to care for a child, or reduce their working hours. The reasons are many and varied.

Our second Tackling Child Poverty Delivery Plan, 'Best Start, Bright Futures' (2022-26), sets out our priority actions, including our focus on long-term parental employment support, increased social security, and measures to reduce household costs. A key action within the Plan is our commitment to expand the Scottish Child Payment to all eligible children under the age of 16 and to further increase the value of the payment to £25 per child per week as of 14 November this year. We have made it as easy as possible for eligible kinship carers to apply for this benefit and, by the end of this year, together with support provided through Best Start Foods and Best Start Grant – which kinship carers can also apply for – they will provide up to more than £10,000 of financial support for an eligible family by the time the first child turns 6.

In addition, to assist with the cost of living crisis, the First Minister announced on 6 September a range of measures targeted at low-income families and individuals. Some of these measures will be helpful for kinship carers, such as the roll out of free school meals across all primary school age groups, and doubling the Fuel Insecurity Fund to £20 million to help households at risk of self-disconnection or self-rationing of energy.

Finally, we have also committed to investing at least £500 million in the Whole Family Wellbeing Funding over the course of this Parliament, to help transform services that support families, to ensure they can access the support they need, where and when they need it. The Fund recognises that families come in all shapes and sizes, and that it includes kinship care, as well as fostering, adoption, and children living at home with their birth parents.

I hope this is helpful and I will keep you updated as the work of the Kinship Care Collaborative progresses.

Clare Haughey

CLARE HAUGHEY

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Social Justice and Social Security Committee Kinship Carers report recommendations (published 22 September 2022)

Recommendations for the Scottish Government

1. Kinship carers take on a vital role in providing nurturing and secure homes for children. The circumstances in which people become kinship carers can be deeply personal and often emotionally difficult. This includes circumstances where a kinship carer who has lost their own child has become the carer for their grandchild or grandchildren. It is unacceptable that where traumatic circumstances have necessitated a kinship care arrangement, the trauma is exacerbated by a lack of sensitivity from bodies that should be providing support. We urge the Scottish Government to work with the UK Government to review and enhance the training provided to DWP and Social Security Scotland staff to ensure that all kinship carers are treated with sensitivity and respect.

Response: The Scottish Government greatly values the commitment that kinship carers make to providing loving and caring homes for our children and young people, and it is absolutely right that all kinship carers are treated with respect and sensitivity.

As you may know, Social Security Scotland has published a [charter](#) which sets out what people should expect from its social security system and, in particular, how it is taking a human rights based approach to what they do and how they will demonstrate dignity, fairness and respect in all their actions.

In terms of training, Social Security Scotland has developed a learning package for all operational staff, which provides an overview and introduction to kinship care including the links between the benefits they offer and the support available to kinship carers. It was developed with and quality assured by the Kinship Care Advice Service for Scotland (KCASS). This learning package is provided during a person's induction to the agency, and is available for staff to access for refresher training at all times. The training is supplemented by operational guidance and any change requests to update the guidance – for example, if legislation or practice changes - is accompanied by a review and updating of the learning package. This happens on a regular basis.

More generally, I would like to reassure the Committee members that my officials and I continue to work collaboratively across Government and with Social Security Scotland to ensure kinship carers are able to access entitlement to benefits. A recent example of this joint working is The Social Security (Miscellaneous) Regulations 2022, laid on 20 September. It extends the eligibility for Scottish Child Payment to low income families with children under the age of 16, increases the value of Scottish Child Payment to £25 per week per child and allows Social Security Scotland to automatically pay Best Start Grant Early Years Payment and Best Start Grant School Age Payment to eligible people who are in receipt of Scottish Child Payment. These regulations also widen the definition of kinship care across Best Start Grant, Best Start Foods and Scottish Child Payment to ensure that, as we roll out Scottish Child Payment to children aged between 6 and 15, eligible kinship carers who are not related to the child, but are known to them and have a pre-existing relationship with the child, are included.

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As you know, the Scottish Government has limited social security powers, and that is why I have also written to the UK Government urging them to review the training provided to Department for Work and Pensions (DWP) staff to ensure that advisors can identify and are sensitive to the trauma that both child and caregivers may have experienced. I have also suggested that DWP staff are made aware of the differences between the kinship legislation in Scotland and England to ensure that kinship carers are able to access, with dignity and respect, the UK benefits they are entitled to. This letter has been copied to you.

My officials will also continue to liaise with their counterparts in the UK Government, as they take forward the kinship care recommendations from the recent English Independent Review of Children's Social Care, to share learning and good practice. As you may know, the report includes a recommendation to introduce a period of paid leave for new kinship carers which matches that given to adopters. These powers are reserved to the UK Government and I have already urged them to implement this practical support for kinship carers as soon as possible, to enable caregivers to stay in work, rather than giving up their job, during the settling in period when a child enters a new home.

2. We are concerned to hear that the reported lack of awareness of kinship care among local authority, DWP and Social Security Scotland staff may be leading to kinship carers receiving incorrect advice or payments. We urge the Scottish Government to work with the UK Government and COSLA to ensure that all central and local government staff advising kinship carers on benefits or allowances are aware of the range of different kinship care arrangements and have access to clear, easy to follow guidance.

Response: I agree with the Committee that it is imperative that there is a joined up approach and that all staff interacting with kinship carers at a local or national level are able to advise accurately and consistently on what payments kinship carers may be entitled to, or can apply for. Although the Scottish Government can set the strategic direction and produce policy frameworks and guidance, organisations do have an individual responsibility to continually train staff to ensure they are aware of any legislative or practice changes.

My response to the previous recommendation sets out how Social Security Scotland is ensuring this happens, and you will have also noted that I have written to my Ministerial counterpart at the DWP. COSLA is part of the Kinship Care Collaborative, which is also considering improvements at a national and local level, including service provision, and I am sure they will respond separately to this report on those recommendations that are relevant to local authorities.

3. We are disappointed that at this point in 2022, there is still no clarity over when the Scottish Recommended Allowance will be introduced. The Government and COSLA must redouble their efforts to resolve any outstanding issues, including resourcing, and introduce the Allowance as soon as possible. In responding to this report the Scottish Government should provide further details of the planned work and timescales for achieving this. We will continue to monitor progress in this area and will review what progress has been made within the next twelve months.

Response: I would like to begin by acknowledging that the introduction of a Scottish Recommended Allowance for foster and kinship carers has taken far longer than originally anticipated. That is, in part, due to the pandemic, during which negotiations were paused. I share the frustrations of our caregivers and would like to reassure them, those working with

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them, and Committee members, that we are committed to delivering the allowances as quickly as possible.

Scottish Government officials have met regularly and continue to meet with COSLA officials to try and come to an agreement. Key areas of discussion have included methodology and models of distribution where we have explored a range of approaches. The conversations have been constructive, yet challenging, given the wider financial environment and because the Scottish Government is operating with a fixed budget and limited fiscal powers. At this stage, I am unable to provide the Committee with detailed timescale for delivering the Scottish Recommended Allowance, but I will of course keep members updated. In the spirit of collaboration and consensus I will continue to explore all available options with partners.

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Recommendations for the Kinship Care Collaborative

1. As part of their work, the Kinship Care Collaborative should review how information is provided to kinship carers and identify best practice for ensuring that new kinship carers receive information about where they can access support and advice, and their rights, in a clear and accessible format. This information should include a clear, accurate explanation of the range of legal arrangements that can underpin kinship care arrangements and the impact that different legal arrangements have on the support available to kinship carers.

Response: During the session in February, I spoke briefly about the priority groups that were formed to examine the Kinship Care Collaborative's priorities; I also provided the Committee with a detailed breakdown of the areas each group has been examining in my letter of 22 June. As you may recall, priority group two is focusing on identifying best practice as well as gaps in resource, whilst priority group three has been working towards improving consistency of service provision across Scotland. Each group developed, refined and agreed change ideas that they felt would contribute to making tangible changes for kinship carers, their families and those who work with them. These were discussed at a meeting of the Collaborative on 28 September.

The Collaborative identified the importance of having information in a clear and accessible format, and that those who work with kinship families are aware such information exists and consistently provide it to caregivers. With this mind, the Collaborative has begun to collate examples of the types of information available to kinship carers. Early data suggests that whilst the majority of local authorities provide information on rates of allowances, many do not have information on their kinship care policies. An in-depth scoping exercise is currently underway to help us understand the extent of what type of information, including accurate explanations of legal arrangements for kinship carers, and support, both financial and emotional, is currently accessible to kinship carers. We will assess the findings from the scoping exercise and develop a wider strategy on the options for improving accessibility, clarity and consistency of information to kinship carers.

I thought it might be helpful to highlight to the Committee that the Collaborative has identified some good examples of resources already available to help kinship carers. One such example is the What Now? booklet developed by the Kinship Care Advisory Service for Scotland (KCASS) Advisory Group. This booklet provides kinship carers with advice on what it means to be a kinship carer (as you may be aware, many are unfamiliar with the term), signposts them to the various forms of support they can offer, and the steps they need to take as soon as a child is placed in their care. Importantly, the booklet explains the difference between a kinship care order (KCO) and permanence order, signposting caregivers to the KCASS website should they wish to learn more about legal orders and their impact on support.

Whilst this is a good example of a resource available, it is just part of the package of support that should be available to carers; the profile of kinship needs to be raised, and kinship carers need to be made aware of what's available in terms of financial and emotional support at the beginning of their journey as a kinship carer. And that is what the Collaborative is looking at in the round. We are aware of the pressures on our public services and we will work jointly with local authorities, and other partners including the third sector, to ensure they are in a good position to effect the changes required.

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2. We were disappointed to hear that some local authorities may be using a narrow interpretation of what 'at risk' of being looked after means when deciding if a kinship carer is entitled to local authority support, essentially requiring a family to be in crisis rather than taking a preventative approach. The Kinship Care Collaborative should work as a matter of urgency to clarify guidance on this matter so that the interpretation of the provisions aligns with the Scottish Government's stated policy aim of getting it right for every child. The Government's response to this report should either provide a substantive update on this matter or a timeline for providing a substantive update to us.

Response: I would like to reassure the committee that the Kinship Care Collaborative is considering the issue of clarifying the guidance as a matter of urgency. Priority group one recognised early in the development of its change ideas that the guidance required significant changes to improve interpretation of the legislation. Members have had robust discussions regarding key areas they felt required clarification and, like the Committee, the section on “at risk of being looked after”, was identified as important. Other key areas identified for updating included clarifying formal and informal care, and the legal status of a child. The priority group is also cognisant of the balance required to ensure that any changes take account of GIRFEC, UNCRC and recent legislative developments, such as the need to [protect sibling relationships for children in care](#). Members are also very clear that The Promise must be at the forefront of their minds, and continual consultation with those who have lived experience is imperative to this piece of work.

My expectation is that revised guidance will be completed by autumn 2023; this timescale builds in time to enable genuine input from both kinship carers and the children and young people they look after. Although the Scottish Government has overall responsibility, we are dependent on the continued support from our stakeholders to work collaboratively with us to develop the guidance and a plan for implementation. Guidance changes may have implications for practice and service provision in local authorities, and the third sector, and we will work with COSLA and other partners to ensure implementation is smooth and effective.

3. We thank the Minister for her update on the work of the Kinship Care Collaborative. It is clear, hearing from kinship carers, that they do not always have confidence that initiatives such as the Kinship Care Collaborative or support services such as the Kinship Care Advisory Service Scotland are listening to their concerns. In order to build confidence and ensure real progress is made it is vital that the work of the Kinship Care Collaborative is transparent and clearly communicated and that there are realistic timescales attached. In the response to this report the Government should provide information about how the work of the Kinship Care Collaborative will be communicated and what the timescales for delivery are. We will review progress in this area within the next twelve months.

Response: I appreciate the concerns some kinship carers have expressed in relation to the work of the Kinship Care Collaborative and the Kinship Care Advisory Service for Scotland (KCASS).

Let me begin by reassuring Committee members and caregivers that the Kinship Care Collaborative is open, transparent and happy to share widely the work it is undertaking. Discussions are underway around how to raise the profile of the Collaborative and its priority groups now that it is moving into a more action-orientated space, and it will be discussed

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further at the next meeting on 13 December. Subject to endorsement from the Collaborative, the Scottish Government plans to publish information on the work of the Collaborative on the scot.gov website. Publication will include items such as the minutes from the meetings and the driver diagrams produced by the priority groups to show the journey of the Collaborative and its decision making process.

We have also made contact with some of our partners offering for the Collaborative to provide updates in their monthly newsletters and to signpost those who would like more information to visit the scot.gov page when it is live.

We are keen to ensure that the voice of caregivers, and children and young people are heard as the Collaborative develops products and tangible outcomes. We recently met the Kinship Care Alliance and we would welcome any other groups to contact us directly via my official Mariella Matheson at Mariella.Matheson@gov.scot

Although it is difficult to provide a timescale on when the work of the Kinship Care Collaborative will conclude, I am committed to providing the Committee with further updates at key points of delivery.

In relation to KCASS, I know that it is keen to hear the views and concerns of caregivers to help inform the service it provides. It has established a KCASS advisory group which comprises of kinship carers to ensure that lived experience is heard and included in its work. For example, the KCASS advisory group has input to developing some of the resources and training offered to kinship carers, and their lived experience also informs some of the training offered to practitioners. Through the KCASS website, all kinship carers can register for workshops and training on a range of subjects, from understanding trauma to learning about loss and change. We recognise and value the important role of peer support and the KCASS website provides a list of different local groups to help encourage caregivers to make those connections.

A recent small scale survey undertaken by the Scottish Government to help inform the re-tender of the national kinship care advisory service was positive and suggests that the current service is providing the right type of support for kinship families and those who work with them. For example, approximately 89% indicated that a national service should provide training, with 79% of respondents indicating that training must cover emotional support, financial advice and legal advice.

Linked to this recommendation, we note that the Committee heard about some kinship carers being worried about seeking support due to fears about children being removed from the kinship care arrangement. This is not acceptable and we must collectively do what we can to support our caregivers in line with The Promise. That is why the work of the Collaborative's priority group three is very important; raising the profile of kinship carers and improving consistency of service provision.

As part of that, I strongly believe that we must shift public attitudes and understanding, and challenge the stigma that is felt by our care experienced children, young people, adults and families. We have committed in our Promise Implementation Plan, published in March 2022, to build on the Each and Every Child Initiative and will develop further work to address stigma with input from local partners and our care experienced young people, including those in kinship care.

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