



Centre for excellence
for Children's Care and Protection

CEL CIS

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Ms Collette Stevenson MSP
Convenor of Social Security and Social Justice Committee
Scottish Parliament
Edinburgh
EH99 1SP

Sent via email to: sjss.committee@parliament.scot

25 October 2023

Dear Ms Stevenson

Scottish Recommended Allowance

Thank you for your letter offering CEL CIS the opportunity to share our views on the Scottish Recommended Allowance rate and to note our observations around its implementation thus far.

CEL CIS, the Centre for Excellence for Children's Care and Protection, welcomes the introduction of a Scottish Recommended Allowance for fostering and kinship families and the parity this offers regarding how children, their families and carers are financially supported regardless of where they live in Scotland. The allowance will make a vital contribution in supporting carers to provide the best care for children and young people. It is particularly welcome in the current context of the cost-of-living crisis and the additional pressures this has caused.

Allowance rate

We welcome the approach taken to focus on the components considered essential for high quality care of children. This is akin to the approach taken in Wales, which was supported by research evidence.

We also welcome the Scottish Government's commitment to maintaining the 2023-24 levels of support for the Scottish Recommended Allowance hereon in, and to review the funding implications for future years from 2024-25 to mitigate against any further rises in the cost-of-living and to ensure the rate reflects the actual cost of caring for children. We further welcome that any decision on an 'uprate' will be made by Scottish Ministers in consultation with COSLA.

Eligibility

We understand that the criteria for being eligible for the Scottish Recommended Allowance, for both foster carers and kinship carers, is contained in Regulation 33 of the Looked After Children (Scotland) Regulations 2009. Regulation 33



makes provision for the local authority to pay such allowances "as they see fit" to a range of people, namely:

- a) a foster carer or kinship carer;
- b) the carer of a child subject to a supervision requirement from the Children's Hearing, when he or she is not the child's parent; and
- c) anyone with parental responsibilities and rights under a permanence order with whom the child is residing.

Eligibility – Foster Carers

We understand that for a foster carer to be eligible for the Scottish Recommended Allowance, they must be a registered/approved foster carer and caring for a child on a fostering basis. Whilst this appears clear, the definition provided in Regulation 33 may result in variances in interpretation. For example, some local authorities may look to subsections (b) and (c) as confirmation that this only refers to children who are cared for via a Compulsory Supervision Order or a Permanence Order – rather than also including children who are looked after in foster care on a voluntary basis (under section 25 of the Children (Scotland) Act 1995). Confirmation from the Scottish Government and COSLA on their intention as to how this should be interpreted would be helpful to clarify this position and ensure uniformity in how the allowance is applied.

It might also be useful to consider widening the eligibility of registered/approved foster carers. Often, when a child has returned to the care of their parents, foster carers go on to care for new children needing their support. This means that, if there have been difficulties with the family being reunited and alternative care is needed again, the child isn't able to return to the care of their previous carers, but must be cared for by different carers. If the eligibility were extended so that carers could be kept available for a child during the period of 'reunification', this would ensure greater stability for children and offer them the security of already trusted and nurturing relationships, should they need to be cared for by foster carers again. Such an arrangement would also support a concurrency model of care, where there is dual planning for children. This could also support Scotland's ambition to minimise the number of caregivers and moves that children and young people experience.

In addition, the Scottish Recommended Allowance does not extend to private fostering agencies, as this agreement is between Scottish Government and COSLA. It might be useful to obtain ongoing feedback from foster carers who are supported by private fostering agencies to understand the differences in approaches to financial support, if any, between local authority and private fostering agencies.

Eligibility – Kinship Carers

The purpose of an allowance in relation to kinship care assistance is to ensure that children living in kinship care, often in low-income households, can have similar opportunities to their peers.

Under Regulation 33, an eligible kinship carer (in relation to the Scottish Recommended Allowance) includes a kinship carer who has the care of a child under a Compulsory Supervision Order or a Permanence Order. As with foster carers, the Regulation also refers to "a kinship carer" which may also extend this definition. Clear guidance on the intended interpretation in relation to kinship carers will be important, as the eligibility criteria for kinship carers are more complex as there are many ways in which a person can be a kinship carer.

Part 13 of the Children and Young People (Scotland) Act 2014 also provides for 'an allowance' to be made in certain circumstances for kinship care assistance. Guidance from the Scottish Government will be published soon on Part 13 which should support the interpretation of 'a kinship carer' as it relates to the Scottish Recommended Allowance. This is, at present, a complex situation for kinship families to navigate, and so clarity within the Scottish Government guidance about which kinship carers are eligible for the Scottish Recommended Allowance will be welcomed.

Guidance

Whilst the Scottish Recommended Allowance is welcomed by CEL CIS, it needs to be supported by guidance that clearly outlines the intended eligibility criteria and intended interpretation of the relevant legislation in relation to allowances. Without this, it will be open to individual local authorities to exercise their discretion in interpreting the legislation, which could lead to the unintended consequence of a 'postcode lottery' of support, the very issue the introduction of a national allowance seeks to address. The duty on local authorities to publish their policies around kinship care and 'looked after' children will be helpful here. However, it is vital that these local policies are informed by the national guidance from Scottish Government and COSLA. We understand that a 'Q&A' document will soon be available on the Scottish Government website, and we hope that this might address some of these concerns.

Implementation

Implementation of the Scottish Recommended Allowance is still in its initial stages, having only been announced in August 2023. Local authorities will require sufficient time to make the necessary technical changes to financial systems before any comment on the success or otherwise of the implementation



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of the Scottish Recommended Allowance can be made. Feedback loops between the Scottish Government, local authorities, organisations that support carers and practitioners, and kinship and fostering families will be helpful in identifying any barriers to successful implementation and to share areas of positive practice across Scotland. The Kinship Care Collaborative (a group aimed at delivering improvements for kinship families across Scotland, and which includes members from the public and private sphere, the third sector, and those with lived experience) and other such collaborative groups and organisations could play a pivotal role in gaining intelligence as to how the Scottish Recommended Allowance is being implemented across Scotland, as well as supporting the feedback loop. Further guidance and clarity around the eligibility criteria will support an equitable approach to implementation across Scotland.

We hope this is of assistance to the members of the Committee. Please do feel free to contact us if you have any queries.

Yours sincerely

A handwritten signature in blue ink that reads 'K. Doull'.

Kirsty Doull

Care and Transitions Lead (and Quality Improvement Advisor), CEL CIS