



The Scottish Parliament  
Pàrlamaid na h-Alba

## EDUCATION AND CULTURE COMMITTEE

### AGENDA

18th Meeting, 2012 (Session 4)

Tuesday 12 June 2012

The Committee will meet at 10.00 am in Committee Room 2.

1. **Children's Charities:** The Committee will take evidence, in a round-table discussion, from—

Graham Bell, Chief Executive, Kibble Education and Care Centre;

Ruth Boddie, Service Manager, Scottish Pre-School Play Association;

Sara Lacey, Head of Residential Services, Care Visions;

Annie Gunner Logan, Director, Coalition of Care and Support Providers in Scotland;

Sara Lurie, Director, The Fostering Network Scotland;

Tom McGhee, Managing Director, Spark of Genius, Scottish Children's Services Coalition;

Jim Sweeney, Chief Executive, YouthLink Scotland;

Alison Todd, Chair, Parenting across Scotland.

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The papers for this meeting are as follows—

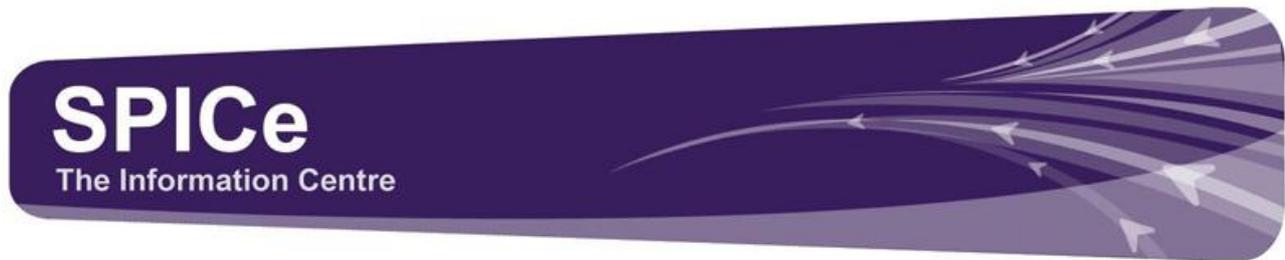
**Agenda Item 1**

SPICe briefing

EC/S4/12/18/1

Written Evidence Received

EC/S4/12/18/2



## **Education and Culture Committee**

**18th Meeting, 2012 (Session 4), Tuesday, 12 June 2012**

### **Delivery of children's services by the voluntary sector**

#### **Introduction**

The Committee has agreed to hold a roundtable discussion to explore the extent to which the voluntary sector (or 'third sector') provides children's services on behalf of local authorities and other public bodies.

Organisations invited to participate in the roundtable have been informed that the following broad questions are likely to shape the discussion at the meeting—

- What judgements or criteria are used to determine whether a particular children's service could or could not be delivered by the voluntary sector rather than 'in-house'?
- Are there any difficulties in the voluntary sector and public sector working together and, if so, how could these be overcome?
- What evidence is available to demonstrate whether services are more effectively provided by the voluntary sector or in-house?
- Is the voluntary sector always fully involved in planning how children's services could most effectively be provided?

This paper provides some background on these issues. The annexe, page 12, contains an overview of local authorities' statutory duties to provide children's services.

#### **Background**

The Scottish Government wishes to see greater collaboration between the public and third sectors, stating:

"We will be working across Government and the public sector to ensure that the third sector's role can be maximised, supporting greater collaboration between the public and the third sectors both at the local and national levels." (Spending Review 2011)."

Services to children and young people provided outwith the public sector are very diverse and include children's daycare, residential care, parenting and family support, youth services, befriending, counselling, respite care, fostering and adoption agencies, advocacy, advice and education. Some services are sometimes provided under contract or service level agreement with a local authority in pursuit of its statutory duties towards children.

Where an organisation is providing children's day care or social care then they must be registered with the Care Inspectorate. All charities must register with the Office of the Scottish Charity Regulator (OSCR) and all those working with children must join the Protection of Vulnerable Groups scheme through which they get a criminal record check.

Many third sector organisations will involve volunteers in their work. Volunteers also form an important part of public sector children's services, most notably through the Children's Hearings System.

There is no published overview of children's services provided outwith the public sector. The following provides some information on Scottish charities and services that are regulated by the Care Inspectorate. It should therefore be noted that this is not a full description of provision.

### **Diversity of Scottish charities**

OSCR has [reported](#) that:

- 95% of income to all Scottish charities went to 7% of charities;
- 63% of charities had an income of under £25,000;
- 57% of income from large charities is from public sector sources compared with 18% for smaller charities.

There are over 10,000 charities in Scotland which state 'children and young people' as their main beneficiaries – representing 46% of all Scottish registered charities. Of the charities which stated 'children and young people' as their main beneficiaries:

- 15% of their income was from contracts with the public sector;
- 45% of their income was from grants or service level agreements.

Only around 2,000 of these charities had an income of over £100,000<sup>1</sup>. A rough analysis of these 2,000 showed that while they include charities that focus exclusively on children and young people, they also include very many where this forms only part of their remit and others where the connection is quite loose. For example, charities benefiting children and young people include: universities and colleges, fee paying independent schools, religious organisations, grant making trusts, charities focused on international aid and a wide range of cultural organisations. These are not included in the following descriptions of the 600 or so charities with the closest connection to children and youth services and which have an income of over £100,000 p.a.

### **Large Children and Youth Charities**

**Youth work:** There are around 222 large (i.e. with an income over £100,000) youth work organisations with a combined income of £285m. The largest such organisations are the Prince's Trust (£39m) and the Scout Association (£23m). Youth work is characterised by a large number of relatively small organisations, many of which work in co-operation with local authority education and community development services.

**Care inspectorate regulated:** There are around 180 charities with an income of over £100,000 which provide services which are regulated by the Care Inspectorate – mainly children's day care or social care. They have a combined income of £1.2bn, but around 60% of this is from three UK-wide charities – Barnardo's (£245m), Save the Children (£291m) and Action for Children (£200m). In contrast, most charities in this category are relatively small – 122 of them have an income between £100,000 and £500,000.

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<sup>1</sup> the analysis that follows is based on an extract from the OSCR register, June 2012.

**Support:** There are around 112 charities with an income over £100,000 whose main focus is on support in the form of counselling, mediation or providing information or support groups. By far the largest of these is the NSPCC which, with a UK income of £148m, is bigger than all the other organisations in this category put together. Of course not all of this income goes towards services in Scotland. Other organisations in this category include homestart, family mediation, drug and alcohol advice and advice organisations focused specifically on children and young people. For some charities, the provision of a regulated service or services will be their main business but for others this will form part of a wide range of services.

**Health and Disability:** There are around 100 charities with an income of over £100,000 which focus on health and disability issues. These have a combined income of £530m. The largest of these are the RNIB (£285m) and the National Autistic Society (£91m). Many of these are focused on a specific condition, although there are around 60 which focus particularly on children and young people. The largest of these is CLIC Sargent Cancer care for children, which provides a mixture of support, advice and specialist nurses.

This analysis only looked at the 2,000 or so charities with an income over £100,000 which listed 'children and young people' as their beneficiaries. On a very rough analysis around 1,400 were eliminated as not obviously providing a direct service to children or young people in Scotland. There was also a small number of charities which did not quite fit into the categories of youth work, support, health and disability or regulated services. These include professional organisations (such as the General Teaching Council for Scotland and the Scottish Swimming Teachers' Association), organisations promoting a particular approach to education (such as the Nurture Group Network and 'Mellow Parenting') and organisations promoting play or providing play resources. The remainder were dominated by four very large, UK-wide charities (Barnardo's, NSPCC, Action for Children and Save the Children). However, these also operate outwith Scotland and sometimes outwith the UK and so only a proportion of their income will provide services and support to children in Scotland. Most charities had incomes below £500,000 per year.

### **Services Regulated by the Care Inspectorate and Education Scotland**

The Care Inspectorate regulates and inspects the following children's care services:

- Adoption agencies;
- Care homes for children and young people;
- Childcare agencies;
- Early education and childcare up to the age of 16;
- Foster care and family placement services;
- School care accommodation services.

These comprise a mix of local authority, charitable, third sector and 'for profit' organisations. With the exception of childminders, the requirement to register with the Scottish Social Services Council (SSSC) is being phased in for staff in children's social care services between 2009 and 2014. Education Scotland inspects local authority schools, all pre-school education providers and local authority community learning and development. The table below shows the level of independent and third sector provision of regulated children's services compared to the public sector provision. For example four of the six secure care services are provided by the third sector.

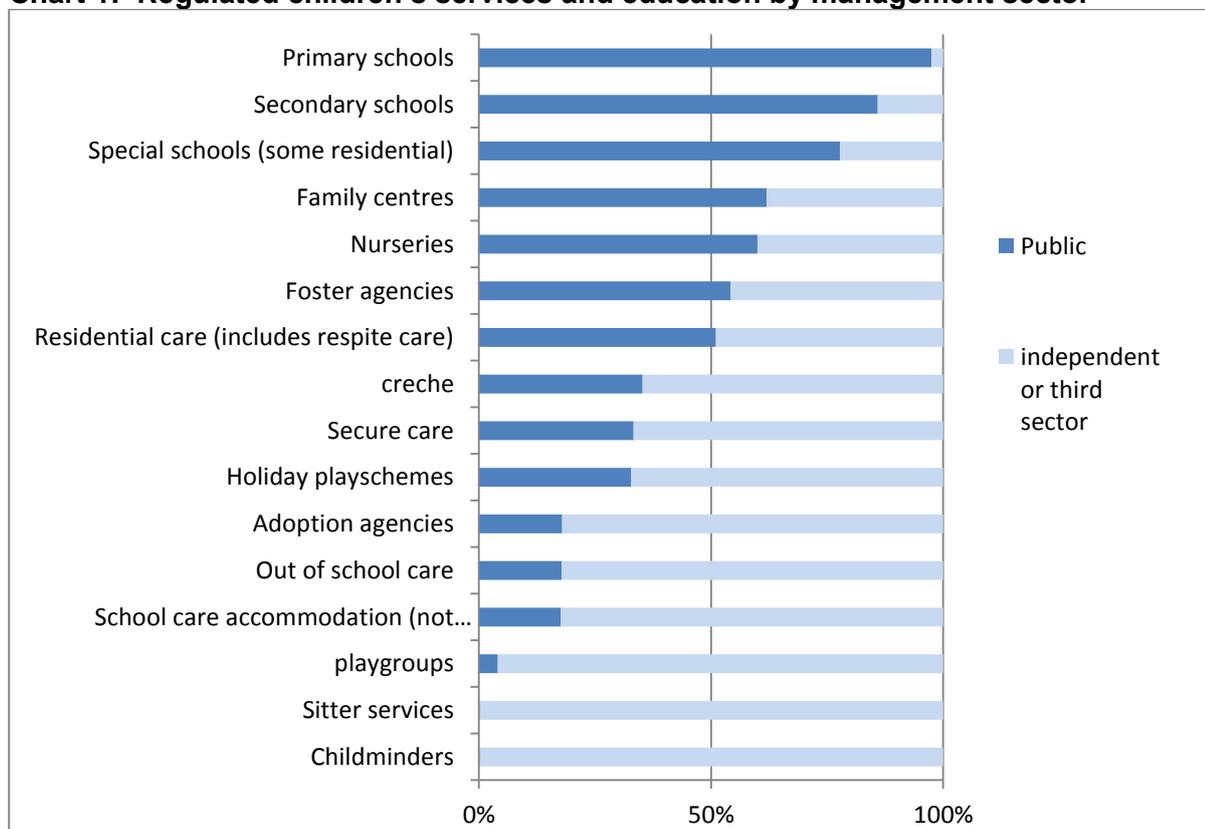
**Table 1: Number of regulated children’s services by management sector**

	Independent	Voluntary	Public
Primary schools	54		2081
Secondary schools	60 (+ 39 ‘all through’ <sup>2</sup> )		367
Special schools (some residential)	45		158
School care accommodation (not boarding schools)	42		9
Residential care (includes respite care)	116		121
Secure care	0	4	2
Foster agencies	27		32
Adoption agencies	7		32
<b>Day Care Services</b>			
Childminders	5529	0	0
Nurseries	764	221	1479
playgroups	31	372	17
Out of school care	191	400	128
Family centres	2	39	67
Holiday playschemes	9	36	22
crèche	39	49	48
Sitter services	5	12	0

sources: [Scottish council of independent schools](#), Scottish Government independent schools census 2009, [pupil census 2011](#), [pre-school and childcare statistics 2010](#), Care Inspectorate register of care services and [statistics 2010](#). There is overlap between school care accommodation and residential special schools.

The following chart shows how the proportion of public sector provision differs for each type of service. This shows that the independent and private sectors provide all sitter services and childminding services and the majority of playgroups, school care accommodation (mainly residential special schools), out of school care, adoption agencies, holiday playschemes, secure care and crèches.

**Chart 1: Regulated children’s services and education by management sector**



source: as table 1. n.b the figures for school care accommodation do not include boarding schools

<sup>2</sup> primary and secondary in one school

***Looked after children***

The voluntary and independent sectors provide a substantial amount of accommodation for looked after children. Four of the six secure units are run by the voluntary sector ([Good Shepherd](#), [Kibble](#), [Rossie School](#), [St. Mary's Kenmure](#)). These provide 77 out of 93 places (<http://www.sanscotland.org/>). There were 463 looked after children in residential schools in 2011. Most of these schools are run by the voluntary or independent sectors. Residential homes for looked after children that are not schools are mostly run by local authorities. There were 89 looked after children in voluntary sector residential care homes in 2011 compared to 613 in local authority residential care homes.

Fostering placements are mostly provided by the local authority acting as the fostering agency, but the number of places purchased by the local authority from other agencies has increased considerably in recent years - from 664 in 2008 to 1,181 in 2011. This is an increase from 16% of places to 24% (n.b. these include places purchased from other local authorities). (Scottish Government, [looked after children statistics, 2008](#), CLAS 2011).

***Independent Special schools***

These schools provide a very diverse range of specialisms and include schools for children with physical disabilities, learning difficulties and social, emotional and behavioural difficulties. Many schools provide a mix of day and residential provision. In 2009, 59% pupils were residential (Scottish Government, independent schools census).

Many schools which specialise in social, emotional and behavioural issues take 'looked after' children on either a day or residential basis. In 2009, 68% of the children attending independent special schools were 'looked after' - 572 were looked after away from home and 97 looked after at home.

The number of independent special schools increased from 33 to 45 between 1997 and 2009, but the number of pupils attending dropped from 1,108 to 982. Only eight of these pupils were privately funded (Scottish Government, independent schools census).

Sometimes the school is the main business of the managing organisation, in other cases, the school is one of a range of services provided. The independent special schools include schools run by Quarriers, Aberlour, the National Autistic Society, Scottish Autism, two schools run by Capability Scotland, five schools run by 'Spark of Genius,' two Rudolph Steiner schools and two schools attached to secure units.

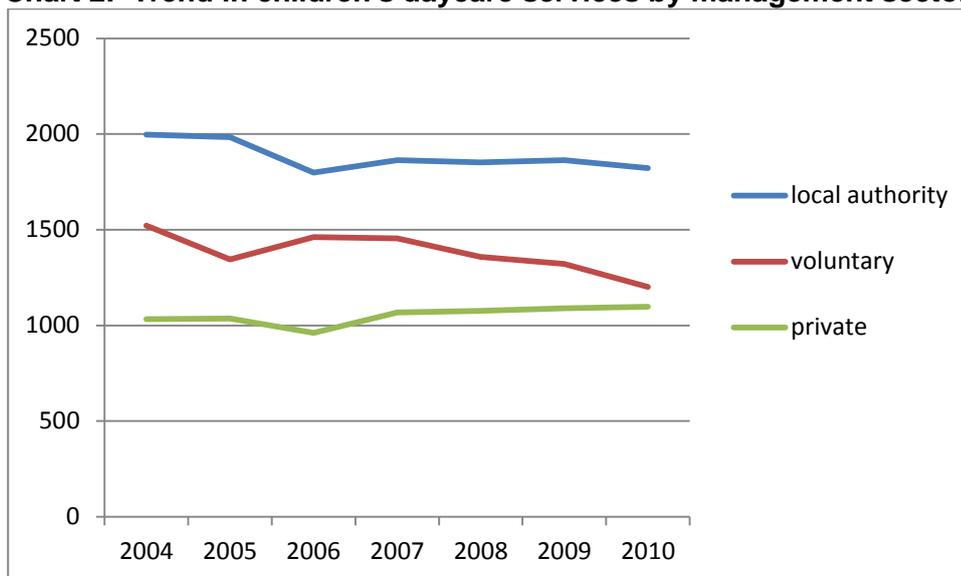
Among these 45 independent special schools, there are seven grant aided special schools. These are supported by a direct grant from the Scottish Government. The national funding of these schools is one of the issues being considered by the [Doran Review](#) into provision for children with complex additional support needs. An interim report, published in October stated that:

“The current pattern of national funding is a contentious issue. For example those organisations which receive national funding strive to justify their receipt of that funding. Other views are that current funding is inequitable and lacking in evidence of effectiveness. Previous recommendations to change national funding have not been acted upon. Renewed discussion about planning and funding mechanisms will reopen past debates and anxieties.”

**Pre-school and children's daycare provision**

The private sector makes a considerable contribution to the provision of childcare and pre-school education - mainly through childminders and independent nurseries. The voluntary sector is notable in the provision of playgroups (some of which provide pre-school education), out of school care and sitter services. The chart below shows services by management sector (excluding childminders). This shows that there is an increasing number of private sector services and a decreasing number of services provided by the voluntary sector. This is largely due to an increase in private sector nurseries and a reduction in the number of playgroups.

**Chart 2: Trend in children's daycare services by management sector, 2004 to 2010.**



source: Scottish Government pre-school and childcare statistics 2004 to 2010. n.b. this does not include childminders. It does include nurseries, family centres, playgroups, out of school care, holiday playschemes and breakfast clubs.

Some of these services will be provided as a matter of statutory duty – services for children in need and pre-school education for 3 and 4-year-olds. Others will be purchased by parents – such as childminding, or nursery provision that is not pre-school education. The expansion of pre-school education from around 1998 onwards was achieved in large part through local authorities’ commissioning places from the private and voluntary sectors.

**Provision of several services by one organisation**

Some organisations provide a range of services, some of which are regulated and others not. The following table gives examples of those organisations outwith the public sector that provide more than 5 regulated care services.

**Table 2: Organisations with more than 5 regulated services**

	Res Care	Foster agency	Adoption Agency	Childcare Agency	School care accomm	daycare	total
Care Visions Ltd	20	1	0	0	0	0	21
Aberlour	11	2	0	0	0	3	16
Barnardo’s	5	4	1	3	0	3	16
Action for Children	12	2	0	0	0	0	14
Spark of Genius	0	0	0	0	8	0	8
Quarriers	3	1	0	2	1	0	7
Capability Scotland	0	0	0	0	2	4	6

source: Care Inspectorate web site. This does not include operators who have more than 5 daycare services.

**Youth Work**

Youth work forms part of Community Learning and Development and this is another area where, in addition to employing youth workers and community development staff, local authorities work in partnership with the voluntary sector. However, youth work is more difficult to quantify than Care Commission-regulated services as there is no requirement for youth work organisations to register services. In 2008 COSLA and the Scottish Government issued a [joint statement](#) which emphasised the role of the voluntary sector in this area of education:

One of the strengths of this area of work is the way that partnership working has flourished over the last few years. A range of partners, including local authorities, Scotland's colleges, health boards and (crucially in this field of work) the third sector have been able, in a number of areas, to bring together their respective strengths and focus on delivering change for the individuals and communities they work with.

In 2011, Education Scotland published a [Review of Community Learning and Development](#). The emphasis on 'broader achievements' in Curriculum for Excellence increases the potential involvement of youth work in formal education both in the school and in the community. The report notes that:

"Although we are seeing positive developments in this area, there now needs to be greater and stronger partnership working between schools, CLD partners and others who contribute towards better outcomes for learners to ensure that the aspirations of Curriculum for Excellence are fully realised across Scotland."

Other areas where CLD contribute to children's services include work with families to support parenting and work to support young people not in employment, education or training into positive and sustained destinations.

**Third Sector Interfaces**

The main local structure for involving the third sector in public sector local planning is through the Community Planning Partnerships. The development of 'third sector interfaces' is intended to make this easier. These are local organisations intended to facilitate the links between third sector organisations and Community Planning Partnerships and have been active across Scotland since April 2011. Their purpose is:

"to provide a single point of access to support and advice for the third sector within the local area and also to provide strong coherent and cohesive representation for the third sector on the community planning partnership. ([Scottish Government, voluntary sector longitudinal study](#))."

In many respects third sector interfaces are a further development of the existing functions of councils of voluntary service. While third sector interfaces provide a voice for the third sector in general, there are occasions when a local authority will specifically commission certain children's services from the third sector, known as 'strategic commissioning'. This is often the case for services for looked after children and local authorities are being encouraged by the Scottish Government to take a more strategic approach to this.

**Strategic Commissioning**

Strategic commissioning involves taking a planned approach to the provision of services and is being developed in three areas of children's services:

- through the National Secure Care one year contract which has been operational since July 2011;
- through the Foster Care contract being developed by Scotland Excel<sup>3</sup> and CELCIS;
- through the Residential Care framework being developed by Scotland Excel.

In 2009, Social Work Improvement Scotland published a [guide to strategic commissioning for social work services](#). This described strategic commissioning as:

“the term used for all the activities involved in assessing and forecasting needs, agreeing desired outcomes, considering options, planning the nature, range and quality of future services and working in partnership to put these in place. Strategic commissioning is not just about purchasing services from external providers, although this is an important element of the commissioning process.

It is mandatory that all public procurement, including the purchase of social care services, complies with the guidance in the Scottish Procurement Policy Handbook. This defines 'public procurement' as the acquisition, whether under formal contract or otherwise, of goods, services and works from third parties by contracting authorities.

Strategic commissioning involves taking a long term view of the needs of the whole community. Commissioners should be planning at least 10-15 years ahead, assessing what mix of services and supports will best meet predicted needs and preferences, as well as delivering best value. A long term approach is essential for sound decision making about investments in assets and workforce planning.”

The development of strategic commissioning for looked after children services is, in part, a response to issues raised about inconsistent practice. The National Residential Child Care Initiative (NRCCI) which reported in 2009 ([Higher Aspirations Brighter Futures](#)) found that:

“spot purchase of placements predominates and there is an absence of systematic planning or commissioning of services. [...] There was agreement that all these areas were ones where there was some degree of tension and mistrust between purchasers and providers. In its performance inspections of local authority social work services SWIA had frequently recommended that authorities pay more attention to their commissioning of children’s services.”

Similar issues were found by Audit Scotland in their 2010 report – improving residential care. They noted that costs had increased 68% over 7 years and that local authorities did not have an accurate basis for comparing the costs of in-house and purchased residential care. As noted above, Scotland Excel is in the process of developing a national framework for use by those commissioning residential services. In relation to Foster Care, Scotland Excel has commented that:

An analysis of prices paid for foster care demonstrated that costs can range from £612 to £1,832 per week. Independent providers appear to charge different fees to local authorities for a similar type of placement, with no clear explanation for the differences in cost." (Social Care Update, June 2011)

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<sup>3</sup> Scotland Excel is the Centre of Procurement Expertise for Scotland's local government sector.

A recent report from Audit Scotland on strategic commissioning across all local authority and NHS services found a lack of information about why some services were delivered 'in-house' and others were externally commissioned:

"Voluntary and private sector providers deliver a significant proportion of social care services in Scotland. Councils and NHS boards do not always involve voluntary and private providers in planning which services are needed in the local area, how best to provide them and in developing new, more flexible services. Councils do not fully analyse the costs, capacity, accessibility, quality and impact of in-house and voluntary and private sector provision in their commissioning decisions. None of the eight commissioning strategies we analysed explained decisions about in-house and externally provided services based on information about quality and costs"

The report did not comment on whether this is an issue for children's services in particular.

In response to the NRCCI report, the Scottish Government and COSLA:

- asked each local authority to set up a strategic commissioning group by 2010-11 in order to take a strategic approach to children's services;
- established a national children's services commissioning group in December 2009;
- developed a national contract on secure care (this became operational in 2011);
- asked commissioners at all levels to identify those additional services, such as independent advocacy, which are currently funded through separate contracts and service level agreements but which are integral to residential child care. Commissioners should identify any improvements which can be made in both the content of these contracts and also the efficiency of the negotiating arrangements.

### **Enterprising Third Sector Action Plan**

The Scottish Government's ['Enterprising third sector action plan'](#) contained a series of actions to be delivered over the period 2008-11 around seven objectives. These refer to the third sector as a whole, not just children's services. One of these objectives was: "Opening markets to an enterprising third sector", which stated:

"We will help open all markets for the third sector, within public, private and social sectors. We will assist the third sector to develop the skills needed to access markets effectively, whilst also working with the public sector to ensure that the third sector are given the opportunity to bid for contracts."

The advantages of the third sector were described as follows:

"The third sector is in a unique position to reach and engage with individuals facing a wide range of challenges including long term unemployment, mental health difficulties, physical disability and homelessness. The third sector is able to help individuals to address and overcome the multiple challenges they face. We want to ensure that the third sector is given the opportunity to bid for those contracts, particularly where it can transform people's lives."

Actions under this heading included:

- developing public social partnerships (PSP) (discussed below);
- training for procurement officers;
- increasing procurement officers' knowledge of third sector providers;
- measuring public sector spend with the social economy, publishing reports to identify the sectors in which spend is increasing or decreasing with the third sector;

- establishing a network of third sector champions across the public sector. One of their roles would be to ensure that the: “third sector is given an opportunity to both help design services and to bid for service provision contracts”.

### Public Social Partnerships

The Scottish Government launched a programme of developing PSPs in 2009, and one of the 10 pilot projects was with Falkirk Council's children's services department. This described PSPs as:

“an innovative model for public service delivery which originated in Italy and is based upon the public sector and third sector working together to design and deliver excellent public services. Its primary purpose is not to sustain the third sector but to improve the outcomes for local communities.” ([Falkirk PSP](#))

The programme aimed to bring together public sector and third sector partners to look at how services can be delivered more innovatively ensuring services are of a high quality and are efficient. The PSP approach is described as comprising three stages:

- Third sector organisations working with public sector purchasers to design a service;
- A consortium of public sector and third sector organisations participating in a short-term pilot, helping to refine service delivery parameters;
- The service is further developed to maximise community benefit before being competitively tendered. ([Falkirk Council](#))

The Minister for Children and Young People, Aileen Campbell MSP, announced that the expansion of childcare/pre-school provision<sup>4</sup> would involve developing PSPs. She said:

We will develop public-social partnerships to pilot early learning and childcare services in areas of particular or unmet need, and we will hold a national summit in June to explore new ways of working with the private sector to promote more flexible working and family-friendly practices. In addition, we are establishing a sub-group of the early years task force to consider how we might develop high-quality integrated and co-ordinated family centres and early learning and childcare services. ([Official Report, 16 May 2012, col 8946](#))

### Self directed support

One development which may affect the involvement of the voluntary and independent sectors in social care provision is the expansion of self directed support. The Social Care (Self Directed Support) (Scotland) Bill is currently being considered by the Health and Sport Committee and will give adults and children more choice and control in how they are provided with community care services and support. The bill set out the forms of self directed support that local authorities must offer to those assessed as requiring community care services, namely: Direct Payments; directing the available resource; local authority arranged support; or a mix of the first three options. Currently, around 584 children receive direct payments, accounting for 13% of direct payment recipients across the country. Around half of this group has a learning disability and of the remainder most have a physical disability (SPICe bill briefing).

Whilst current legislation does not prevent these options from being offered already, and indeed they are being in some areas, the Bill would place a specific duty on local

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<sup>4</sup> The Scottish Government intends to use the forthcoming children's services bill to legislate for a minimum of 600 hours per year of pre-school education and care.

authorities to offer the different options together with other obligations, such as in providing advice and support to service users in order to be able to make the best choice for them.

This has implications for children's charities that provide services to disabled children, as it increases the potential for families to make their own choices about where they get support. It also has implications for the services that are developed through a strategic commissioning approach – as they would have to be flexible enough to be able to respond to demand arising from direct payments.

The consultation on the Bill found general support for the measures, although it was noted that:

“On the quality and range of support, one local authority pointed to the embryonic market for children's services provided via the voluntary or private sector. This was seen as one of the key barriers to significant growth of self-directed models for children's services” ([Scottish Government, 2011, Analysis of consultation responses](#))

On 22 May, the Health and Sport Committee took evidence on the Bill from Brian Houston, Barnardo's Scotland, who said:

“how far self-directed support will go in children's services is a big question for us ...we matched up to one market, but a new market is being developed. The question is how to move large and small organisations over to that new market without destabilising those organisations. Some need to rethink radically their whole structure: finance, human resources—everything.”  
([Health and Sport Committee, Official Report, col 2332](#))

A SPICe briefing on the bill is available at:

[http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB\\_12-32.pdf](http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB_12-32.pdf).

**Annexe: Statutory duties of local authorities to provide children's services**

Key statutory duties of local authorities to provide services relate to education of all children, provision of additional support for learning, provision of services to 'children in need', accommodation of 'looked after children' and adoption.

**Education**

The local authority must ensure:

- adequate and efficient school education<sup>5</sup> (including for those unable to attend school<sup>6</sup>;
- provision to meet additional support needs<sup>7</sup>;
- provision of an educational psychology service<sup>8</sup>;
- provision of part time pre-school education to 3 and 4-year-olds<sup>9</sup>.

**Social, cultural and recreation**

The local authority must ensure adequate and efficient provision of social, cultural and recreational activities and physical education and training, either as voluntary organised activities designed to promote the educational development of persons taking part therein or as part of a course of instruction<sup>10</sup>

**Children in Need**

Children in need' are defined at section 93 of the Children (Scotland) Act 1995 as those who are in need of care and attention because —

- (i) they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development unless there are provided for him, under or by virtue of this Part, services by a local authority;
- (ii) their health or development is likely significantly to be impaired, or further impaired, unless such services are so provided;
- (iii) they are disabled; or
- (iv) they are affected adversely by the disability of any other person in his family.

A local authority must provide:

- a range and level of services appropriate to the need to safeguard and promote the welfare of children in need in their area<sup>11</sup>. Such services must be designed to minimise the impact of disability.<sup>12</sup>
- pre-school, out-of-school and holiday day care for children 'in need'.<sup>13</sup>

**Looked After Children and adoption**

The local authority must provide accommodation for 'looked after' children,<sup>14</sup> advice and assistance to care leavers<sup>15</sup> and an adoption service<sup>16</sup>.

<sup>5</sup> s.1 Education (Scotland) Act 1980

<sup>6</sup> *ibid* s.14

<sup>7</sup> s.1 Education (Additional Support for Learning) (Scotland) Act 2004

<sup>8</sup> *ibid* s.4

<sup>9</sup> Provision of school education for children under school age (prescribed children) (Scotland) Order 2007 SSI 2007/396

<sup>10</sup> s.1 Education (Scotland) Act 1980

<sup>11</sup> Children (Scotland) Act 1995 s.22

<sup>12</sup> *ibid* s.23

<sup>13</sup> *ibid* s.27

<sup>14</sup> *ibid* s.25

<sup>15</sup> *ibid* s.29

<sup>16</sup> Adoption and Children (Scotland) Act 2007 s.1

***Planning services***

Local authorities are required to have a plan setting out how they will provide children's services under the Children (Scotland) Act 1995<sup>17</sup> and in doing so they are required to consult certain types of organisations including:

“such voluntary organisations as appear to the authority—

(i) to represent the interests of persons who use or are likely to use relevant services in that area; or

(ii) to provide services in that area which, were they to be provided by the authority, might be categorised as relevant services<sup>18</sup>”;

Since 2006, children's services have been moving towards the approach of 'Getting it Right for Every Child.' In its aim of reducing bureaucracy and duplication, it has implications for planning services as well as for the development of plans for individual children.

In addition, local authorities have a statutory duty to provide 'best value' in all their services<sup>19</sup>. [Guidance](#) on how this is to be achieved was issued in 2003.

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<sup>17</sup> adoption, looked after children, children in need

<sup>18</sup> Children (Scotland) Act 1995 s.19

<sup>19</sup> Local Government (Scotland) Act 2003

**Education and Culture Committee**

**18th Meeting, 2012 (Session 4), Tuesday, 12 June 2012**

**Children's Charities: Written Evidence**

**Clerk's note**

1. The Education and Culture Committee will take oral evidence on children's charities on 12 June 2012. The following written submissions have been received (Quarriers will not be providing oral evidence):

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Scottish Children's Services Coalition	Page 15
Scottish Pre-School Play Association (SPPA)	Page 18
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2. A brief description of the organisations that will be giving oral evidence is provided in the annexe (page 25).

**Jonas Rae  
Committee Assistant  
June 2012**

## Coalition of Care and Support Providers in Scotland (CCPS)

### About CCPS

CCPS is the coalition of care and support providers in Scotland. Its membership comprises more than 70 of the most substantial care and support organisations in the voluntary sector, including the leading sector providers of services for children, young people and their families. Collectively, CCPS children's services members:

- support more than 150,000 children, young people and families in Scotland
- employ 5,800 staff
- manage a combined total income in Scotland of over £160 million, of which more than 80% relates to publicly-funded service provision.

Services provided cover the range of services to children, young people and families including early years provision; family and parenting support; residential child care and other support for looked after children; support for children and young people who have experienced abuse and neglect; support for disabled children and young people and their families; young people with mental health problems; and services for young offenders.

### The scope of children's services in the voluntary sector

The voluntary sector makes a significant contribution to children's services in Scotland. More than a third of *all* care and support services registered with the Care Inspectorate are provided by voluntary organisations; approximately 27% of all registered *children's* services (excluding childminding: 11% including childminding) are provided by the voluntary sector. The table overleaf sets out the scope of voluntary sector registered care and support.

### Registered Children's Services at 31 April 2012 – provisional data

(source: Care Inspectorate service list at 2 May 2012)

Note: please regard this data as provisional

Service Type	Data	Health Board	Local Authority	Private	Voluntary or Not for Profit	Grand Total
Adoption Service	services		32		<b>7</b>	39
	%	0.00%	82.05%	0.00%	<b>17.95%</b>	100.00%
Care Home Service	services		113	65	<b>47</b>	225
	%	0.00%	50.22%	28.89%	<b>20.89%</b>	100.00%
Child Care Agency	services		1	21	<b>15</b>	37
	%	0.00%	2.70%	56.76%	<b>40.54%</b>	100.00%
Child Minding	services			6185		6185
	%	0.00%	0.00%	100.00%	<b>0.00%</b>	100.00%
Day Care of Children	services	3	1732	1112	<b>1031</b>	3878
	%	0.08%	44.66%	28.67%	<b>26.59%</b>	100.00%
Fostering Service	services		33	5	<b>25</b>	63
	%	0.00%	52.38%	7.94%	<b>39.68%</b>	100.00%
School Care Accommodation Service	services		9	39	<b>20</b>	68
	%	0.00%	13.24%	57.35%	<b>29.41%</b>	100.00%
Secure Accommodation Service	services		2		<b>4</b>	6
	%	0.00%	33.33%	0.00%	<b>66.67%</b>	100.00%
Total services		3	1922	7427	<b>1149</b>	10501
Total %		0.03%	18.30%	70.73%	<b>10.94%</b>	100.00%

CCPS has tried to establish the proportion of public sector *spend* on these services that is accounted for within the voluntary sector, however this has been a complex task. In a number of areas, our figures indicated that the proportion of services provided by the voluntary sector is much greater than the proportion of the total spend allocated to it; however this has been difficult to confirm over time because of the complex, changing and sometimes inconsistent way in which spend is recorded, particularly by local authorities.

### The voluntary sector children's services workforce

Approximately 26% of the total social services workforce in Scotland is employed by voluntary organisations; in respect of registered children's services, the figure is just over 20% (rising to 23% excluding childminding), as shown in the table overleaf.

### Headcount by employer type and sub-sector

(source: Care Inspectorate and Scottish Government 2010, published by SSSC in December 2011)

Sub-sector	Public	Private	Voluntary	Total
<b>Adoption Service</b>	330	0	<b>90</b>	420
Adult Day Care	4,930	1,390	2,500	8,820
Adult Placement Service	100	010	30	130
Care Homes for Adults	7,520	37,910	9,100	54,540
Central and Strategic Staff	3,630	0	0	3,630
<b>Child Care Agency</b>	10	200	<b>350</b>	560
<b>Childminding</b>	0	5,550	<b>0</b>	5,550
<b>Day Care of Children</b>	11,650	12,790	<b>7,100</b>	31,540
Fieldwork Service (Adults)	4,980	0	0	4,980
<b>Fieldwork Service (Children)</b>	6,450	0	<b>0</b>	6,450
Fieldwork Service (Generic)	3,730	0	0	3,730
Fieldwork Service (Offenders)	2,030	0	0	2,030
<b>Fostering Service</b>	460	190	<b>240</b>	900
Housing Support and Care at Home	19,220	16,710	28,620	64,560
Nurse Agency	0	1,600	510	2,110
Offender Accommodation Service	30	0	100	130
<b>Residential Child Care</b>	2,170	1,920	<b>3,340</b>	7,420
<b>School Care Accommodation</b>	160	950	<b>110</b>	1,210
<b>Total</b>	67,400	79,200	<b>52,090</b>	198,690

These figures show that the voluntary sector makes a particularly significant contribution, proportionally, in respect of day care, and of residential child care, fostering and adoption (in other words, care and support for looked after children). In addition, the voluntary sector is a leading provider of care and support to disabled children and their families in their own homes: these services are not always separated out in the statistics from similar services for older age groups, and are counted among the more general categories of support services, including "care at home".

**Matters of interest to the committee**

We note that the committee is particularly interested in a series of questions about service delivery, which are outlined in its invitation to witnesses. Our comments on these questions are set out overleaf.

**What judgements or criteria are used to determine whether a particular children's service could or couldn't be delivered by the voluntary sector rather than 'in-house'?**

This is a difficult question for voluntary sector providers to answer, as the rationale for service delivery decision making is not always open and transparent. In some areas of care and support, decisions can be led by capacity (or otherwise) within an existing in-house service, rather than by comparative analysis of a full range of options, both in-house and external. Indeed, in its recent study of social care commissioning, Audit Scotland found that:

"Most of the [commissioning] strategies we reviewed did not include an analysis of local needs or the costs and capacity of in-house and external providers to meet those needs. Councils...need this information to make informed decisions about which services to invest and disinvest in."<sup>1</sup>

Audit Scotland consequently recommends that councils:

"should base their decisions about whether to provide services in-house or procure them from voluntary or private sector providers on a full understanding, for in-house as well as externally provided services, of cost; of the quality of care offered by providers, including using Care Inspectorate inspection reports; and of the impact of services on people's quality of life."<sup>2</sup>

This echoes Audit Scotland's earlier report on residential child care:

"Councils are not fully aware of all the costs involved for both in-house and independent provision and what factors lead to better long-term outcomes for looked after children."<sup>3</sup>

Increasingly, decisions about which *external* providers will be awarded non-residential service contracts are arrived at through competitive tendering exercises: invariably however, in-house teams do not have to tender in order to continue to provide services, and existing in-house services are not subject to the same degree of competitive challenge as those provided by voluntary (and private) sector organisations.

Audit Scotland has recognised that in many areas of care and support, competitive tendering, including re-tendering of existing service contracts, has been dominated by cost considerations rather than by quality and outcomes, and, we would argue, frequently at their expense.<sup>4</sup>

We support the view of Audit Scotland that service delivery decisions should be informed by a comparative analysis of the ability of different providers (in all sectors)

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<sup>1</sup> Commissioning Social Care, Audit Scotland, March 2012, p. 16

<sup>2</sup> ibid p. 30

<sup>3</sup> Getting it Right for children in residential care, Audit Scotland, Sept 2010

<sup>4</sup> See Retendering of Social Care Services: Service Providers' Perspectives, CCPS 2008: available at <http://www.ccpscotland.org/assets/files/ccps/publications/retenderingsurveyfinal.pdf>

to meet the individual needs of the child and to achieve good outcomes most cost effectively. This is what we understand by the term Best Value.

**Are there any difficulties in the voluntary sector and public sector working together and, if so, how could these be overcome?**

In many parts of Scotland, the voluntary and public sectors have forged successful and productive working relationships in order to deliver high quality care and support to children, young people and families. These relationships work best where:

- voluntary organisations are recognised and respected as equal partners with expertise, experience and assets to contribute
- voluntary organisations are involved in designing services, as well as providing them
- all partners focus primarily on the quality of support, and the outcomes to be achieved for children, young people and their families
- interventions by the voluntary sector are considered at an earlier stage for some looked after and accommodated children; and where providers are more involved in the transition back to family/carers or other community resources
- adequate funding is supplied to voluntary organisations to enable them to cover the full economic cost of providing support, including the ability to train, develop and reward staff appropriately, and appropriate development costs.

Difficulties can arise when public bodies see their relationship with voluntary organisations primarily as that of buyer-supplier, rather than as partners, and where interactions between them focus chiefly on cost (and cost reduction). We are opposed, in particular, to “across-the-board” cuts to the voluntary sector, where (for example) a cut of 5% is imposed on all providers, regardless of the level of efficiency at which individual services may be operating, an analysis of the level of need for those services, or of the relative merits of different service providers in respect of service quality and/or evidence of good outcomes.

As noted above, we also have serious reservations about the wisdom of seeking to establish Best Value via re-tendering exercises: in our view, Best Value reviews should be used precisely to identify which services to retain, and which to re-tender, rather than using competitive tendering itself as a “live” Best Value market test.

**What evidence is available to demonstrate whether services are more effectively provided by the voluntary sector or in-house?**

As noted above, Audit Scotland has highlighted the failure of councils to collect or apply evidence of effectiveness in children’s services, in terms of cost, quality and impact.

Nevertheless some general evidence is available. Figures relating to the quality of care and support published by the Care Inspectorate (then the Care Commission) show that the proportion of voluntary sector services that achieve gradings of “very good” and “excellent” is higher than the proportion of local authority services achieving such gradings in respect of childcare agencies; adoption services; secure accommodation; and residential care home services<sup>5</sup>. Local authority daycare services for children, by contrast, have a higher proportion of “very good” and

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<sup>5</sup> [Making the Grade](#), Care Commission 2010

“excellent” gradings than their counterparts in the voluntary sector, and private sector care homes have a higher proportion of these gradings than either the voluntary sector or local authorities.

These statistics have been arrived at by aggregating total gradings across these sectors, and of course there will be variations in quality between organisations within each sector.

CCPS has been keen to encourage local authorities to seek and consider evidence relating to service quality, impact and outcomes that can supplement Care Inspectorate gradings, and to use this evidence to inform commissioning and procurement decisions. Many CCPS members have invested considerable effort and resource in producing such evidence, which can take the form of independently commissioned research and evaluation exercises; quality assurance systems involving regular satisfaction and other feedback surveys; and outcomes frameworks that measure effectiveness against service objectives and outcomes achieved.

#### **Case study: Includem**

- Includem is a voluntary organisation that works with some of Scotland’s most vulnerable young people. It has a robust outcomes framework for measuring effectiveness against service objectives and outcomes achieved. For example a recent two year review of its Clackmannanshire Intensive Support Service found that 72% of all young people supported had successful outcomes, either remaining living with their family/carers in the community or successfully returning from purchased placements and reintegrating into the community.
- Glasgow City Council’s detailed evaluation of the effectiveness of Includem’s Intensive Support and Monitoring Service (ISMS) found not only that offending levels reduced by more than a half, but also evidenced that these positive outcomes were sustained 18-24 months after ISMS provision was withdrawn. (ISMS Evaluation Full report, 2007).

As well as being able to demonstrate quality, outcomes and impact, the voluntary sector can often be more flexible and responsive than in-house local authority provision. For example, Scottish Government best practice guidance for the provision of intensive support for young people at serious risk of harm identifies key service elements of evening and weekend contact, and access to a 24/7 helpline. Voluntary organisations are frequently able to provide this kind of service more readily than local authorities, where standard staff terms and conditions can mitigate against the cost-effective provision of “out of hours” services.

In the current climate however, CCPS members report that these considerations are not always fully taken into account, because of the drive to cut costs. This can result in situations where decisions are made to cut or remove services completely, even when evaluations have demonstrated the effectiveness of the service. It can also result in previously externally-provided services being taken back in-house without there being any transparent or robust analysis of how the service can be most effectively provided.

Whilst the relative effectiveness of service *providers* remains a very serious question to address, we would argue that following the Christie Commission report, a more fundamental issue arises, which is the relative effectiveness of service *models*. A decision about who should provide service X should be only taken after it has already been decided that service X is the correct one to provide: this is where we would distinguish strategic commissioning decisions from those relating to delivery or procurement.

In children's services, as in other areas of care and support, the key issue here is how to strike an appropriate balance between early intervention and more intensive, crisis-response support; and, crucially, whether and how we can disinvest in the latter in order to support more of the former, in pursuit of taking demand out of the system.

For example, evaluation conducted by Children 1<sup>st</sup> (as well as external research) suggests that early intervention to support children and young people to recover from the trauma of sexual, physical and/or emotional abuse and harm enables them to move on positively in their lives and gives them an opportunity to have the same life chances as other children and young people. Yet these services are not offered as standard or core services for vulnerable children and young people and indeed, are often viewed as expendable due to financial constraints.

There is also a need for a more strategic and coordinated approach to commissioning and provision of services, not only within children and young people's services, but also across different departments and funding "silos". A leading example is the 'whole system approach' taken by Aberdeen's Youth Justice Development Programme, and in the early stages of being implementing throughout Scotland. This multi departmental and cross agency approach involves youth justice social work, the courts, children's panels, the police, the Scottish Prison Service, the Crown Office and the Procurator Fiscal Service, and voluntary sector service providers, with the aim of diverting 15-17 year olds who offend from statutory measures, prosecution and custody through early intervention and robust community alternatives helping to reduce the flow of young people into the adult criminal justice system.

**Is the voluntary sector always fully involved in planning how children's services could most effectively be provided?**

As noted above, there are some very successful partnerships working across Scotland to deliver high quality children's services: in these instances, voluntary organisations have worked closely with councils and/or other public bodies to design and deliver support.

These successful arrangements, however, tend to relate to specific service interventions: there is rather less involvement of the voluntary sector at the strategic commissioning level, that is (following our definition above) the process of deciding where and how to invest public funds to greatest effect.

At least part of the reason why the voluntary sector may not be involved in this kind of commissioning is because, as highlighted by Audit Scotland, not many public bodies are yet fully engaged in it.

We appreciate that it is difficult for public bodies to seek the involvement of the voluntary sector in service delivery or procurement decisions, because many of these are (as noted) run as competitive tendering exercises in which many voluntary sector organisations are themselves bidders. However at the level of strategic commissioning, we see no reason why the expertise, experience and assets of the voluntary sector cannot be brought to bear, given that decisions at this level are taken at one remove from any consideration of who will eventually deliver the support models in which the public body opts to invest.

The Scottish Government's Reshaping Care for Older People programme has recognised the value of voluntary sector involvement at this level: the voluntary sector locally must now 'sign off' Change Plans that set out a new strategic direction for older people's care and support, and specifically how they intend to move away from institutional care towards community-based support.

We believe that strategic decision-making with respect to children's services would benefit from a similar level of involvement by the voluntary sector.

We are grateful to the committee for the opportunity to comment on these matters. This evidence is submitted by CCPS for and on behalf of its children's services members:

Aberlour Child Care Trust; Action for Children; Barnardo's Scotland; Camphill Scotland; Capability Scotland; Children 1<sup>st</sup>; Cornerstone; Crossreach; Includem; Kibble; NSPCC Scotland; Penumbra; Quarriers; Scottish Women's Aid; Sense Scotland; The Mungo Foundation; Who Cares? Scotland; VSA; YPeople

### **The CCPS agenda for care and support**

- More choice and control for people over the design and delivery of their own care and support, including, wherever possible and appropriate, the ability to direct how resources are spent
- A new agenda for all care and support agencies to foster independence and autonomy, increase wellbeing and promote resilience and self-help
- Greater priority for early intervention that prevents escalation of need and more costly service responses later on
- A better match between the requirements of the regulatory regime, and the agenda for greater choice and control, independence, outcomes and early intervention.

### **Our agenda for a stronger voluntary sector**

- Recognition and respect for the voluntary sector as an engaged partner, not just a contracted supplier
- Funding incentives for high quality support that has a positive impact on individuals, families and communities
- Commissioning for outcomes, not for fixed service volumes based on hourly rates
- Creative alternatives to competitive re-tendering of existing care and support services
- Appropriate reward for a confident, competent and qualified voluntary sector workforce.

### **Fostering Network**

Thank you for inviting the Fostering Network to provide oral evidence at the Education and Culture Committee's meeting on Tuesday, 12<sup>th</sup> June and for inviting written submissions in advance. We understand The Committee is interested in exploring the extent to which the voluntary sector provides children's services on behalf of local authorities and other public bodies. In response to the specific broad questions you have raised, we wish to highlight the following:

#### ***What judgements or criteria are used to determine whether a particular children's service could or couldn't be delivered by the voluntary sector rather than 'in-house'?***

1. The independent sector for foster care is made up of voluntary organisations and not for profit companies, some of which have been established by for profit organisations who operate in England.
2. Local authorities tend to make every effort to place a child who needs foster care with one of their own foster carers and only to use the independent sector when they cannot make a placement from within their own resources.
3. The lack of placement limits in Scotland raises the possibility of a foster carer being asked to care for too many children to avoid the expense to the local authority of securing a placement in the independent sector.
4. The reason for this is partly historical and partly due to cost. Placements in the independent sector tend to be more expensive than local authority placement. There is likely to be some truth in this but a contributory factor is also likely to be because local authorities do not fully understand their own costs.
5. The Cost of Foster Care, a report produced by the Fostering Network suggested that the true cost of providing a foster care service was far closer to the price being charged by the independent sector
6. The result is that placements are spot purchased as and when needed.
7. There has been a growth in placements in the independent sector in Scotland. This has been mirrored in England where over 30% of children living with foster carers (excluding those living with family and friends foster carers) are placed with foster carers in the independent sector.

#### ***Are there any difficulties in the voluntary sector and public sector working together and, if so, how could these be overcome?***

1. Despite the growth in use of the independent sector there are significant difficulties about how the independent sector and voluntary sector work together.
2. Generally almost all local authorities want to make less use of the independent sector. The impact of this is that they provide little or no market information regarding future demand which makes it difficult for the independent sector to plan effectively.
3. Some in local government have very strong negative views towards the independent sector which inhibits effective working relationships.
4. Discussions between the sectors can become dominated by price considerations and not considerations about how to do better for children in care in Scotland.

***What evidence is available to demonstrate whether services are more effectively provided by the voluntary sector or in-house?***

1. Fostering services can be effectively provided by in house services and the independent sector. The international evidence suggests that a mixed market may be the best way to provide fostering services and that monopolistic providers, whether they are in house or in the independent sector, can struggle.
2. The independent sector have proved effective at developing some more specialist foster care schemes and the growth in the independent sector in England and Scotland is evidence of their success in recruiting and retaining foster carers. It should be noted that some local authorities have also demonstrated effectiveness in growing their fostering resource.

***Is the voluntary sector always fully involved in planning how children's services could most effectively be provided?***

1. The independent sector could be more involved in responding to need if there was a process that sought to require local authorities to publish plans regarding their anticipated requirements in terms of placements and their proposals for meeting this need.

### **Kibble Education and Care Centre**

Kibble is Scotland's national specialist provider of services for young people with significant social, emotional, behavioural and educational difficulties. Opened in 1859 and based in Paisley it is one of Scotland's oldest charities, and works with young people from 12 to 24 offering a uniquely integrated array of services encompassing Intensive Residential Services, Day and Community Services, Secure Services, Full Educational Curriculum, Intensive Fostering, Integrated Transitions, Training and Employment. A focus on social innovation and evidence based practice with a client group that has usually exhausted all other possibilities means that this model of care could probably only be delivered within a charitable framework. Kibble provides a place of safety, structure and stability, opening up new possibilities for young people to play a useful part in society and prepare them for a happy and fulfilled adult life.

As a charity Kibble has in place an 'asset lock' ensuring that 'society profits' when surpluses are generated and reinvestment continues in services and communities. Corporate governance by volunteer trustees, directors and sub-committee members ensures ongoing commitment to mission, fiscal responsibility and progressive practice within public service delivery as well as in other charitable activities.

With 93% of income coming from public service delivery through spot purchase Kibble has to operate as a community based social enterprise, bringing the best business practices while retaining charitable values and behaviours to what are, perhaps euphemistically, described as 'social markets'.

The committee has asked about difficulties in the voluntary sector and public sector working together and how could these be overcome.

In 2003 in partnership with the Scottish Executive Kibble developed and increased the range of services described above, including the provision of a maximum security facility. Integrated within preventative and rehabilitative services this approach to secure care, set within Scotland's Children Hearing system has attracted considerable international interest and support. However with the introduction of commissioning and procurement in 2011 an unreasonable and unrealistic level of risk has been shifted to the charitable sector. This quasi-market approach brings a balkanised approach to the care of young people but will make ongoing involvement by charitable providers increasingly difficult if not impossible in years to come.

## Quarriers

Thank you for giving Quarriers the opportunity to submit this evidence. Quarriers is a major Scottish charity providing practical care and support every day to thousands of people. Through more than 120 services for Adult Disability, Children and Families, Epilepsy and Young Adults in Scotland and a growing number of services in parts of England, we challenge inequality of opportunity and choice, to bring about positive change in people's lives.

Quarriers provides 22 services for children, families and young people in 10 different Scottish local authority areas, covering a diverse range of support including:

- Support for children affected by parental addiction
- Short breaks for disabled children
- Care at home for disabled children
- Children's rights
- Community-based family support centre
- Housing support for homeless young people
- Residential accommodation for children and young people with complex learning and physical disabilities
- Support for vulnerable children in mainstream schools
- Education and care support for children with social, emotional and behaviour difficulties, in a residential setting
- Intensive support for children and young people in the youth justice system
- Young carers
- Childcare at home in rural areas

The diversity of our work has led to the development of a very broad perspective on what makes good service provision across a wide range of ages and difficulties. Our work with some of the most marginalised and excluded people – children, young people and adults – has challenged our thinking about how to engage effectively. But throughout all of our work, our core values and beliefs remain the same – that every person has a right to be respected as an individual citizen, that their needs should be at the heart of services and that they should be empowered to achieve their aspirations, whatever that may be and whatever stage of their life they are at.

- **What judgements or criteria are used to determine whether a particular children's service could or couldn't be delivered by the voluntary sector rather than 'in-house'?**

Our experience is that this will vary between different local authorities, depending on political composition and culture. There are different ideas of what the role of a local authority social worker should be and different political ideologies relating to the concept of a "welfare market". There are also significant differences in the way in which local authorities have introduced community care services for adults and this may tend to influence thinking about children's services.

In some local authorities, only the most challenging, sharp-end services are contracted out to voluntary organisations, whilst others adopt a more holistic approach to providing support for children, families and young people and invest in building effective partnerships with voluntary organisation providers.

It is not clear which, if any, criteria are used by local authorities to determine whether or not children's services could or couldn't be delivered by the voluntary sector rather than in-house, and may tend to depend on the political and cultural environment operating at that particular time. Whilst it is recognised that all local authorities have a statutory function in terms of child protection and will tend to retain all duties and roles in connection with the administration, there does not appear to be any recognisable set criteria by which decisions are taken on the most appropriate provider of other services.

We have also found instances where elected members' knowledge and understanding of voluntary organisations, the complexity of funding streams, and operating methodology, is limited and this can lead to confusion.

In the absence of comprehensive national guidance on determining the most appropriate provider of children's services, it appears that every local authority makes its own judgements but it is unclear how these judgements are made.

- **Are there any difficulties in the voluntary sector and public sector working together and, if so, how could these be overcome?**

In our opinion, there are major challenges to voluntary and public sectors working together, some of which date back to the Orkney Inquiry, which recommended child protection measures be integrated into local government accountability and governance framework. The statutory structures that have been established since then have involved local authorities, health and police, but have excluded voluntary organisations. This has led to voluntary organisation staff delivering front line services but with no influence on child protection policy and how it is implemented at local level.

The perception of risk also differs between local authorities and voluntary organisations and this can be the cause of difficulties as uniform "tick-box" risk assessments become the norm, rather than considering individual circumstances.

Service delivery arrangements have evolved into a form of market collaboration between local authorities and voluntary sector organisations. This approach may have proved effective for the purchase of goods such as equipment and furniture, and services such as bus transport, but the relevance of this approach to the delivery of children's social care is debatable. More consideration needs to be given to the development of partnerships based on mutual trust and reciprocity.

However, in circumstances where more positive partnerships exist, both parties are equally involved in decision-making, risk and responsibility is shared, and innovation and flexibility in development and delivery of services is encouraged and used to create social care services that deliver enhanced outcomes for children, families and young people, rather than statutory outputs.

Consideration needs to be given to the way in which the creativity and flexibility of voluntary sector organisations can be more effectively utilised to provide improved services that meet people's actual need. The level of suspicion and distrust with which some local authorities regard their voluntary sector delivery "partners" creates extremely challenging conditions in which to work collaboratively.

This could be overcome by:

- Clear, shared responsibilities
  - A “whole systems” approach, which sees voluntary organisations as an integral part, rather than a sub-contractor for the more difficult parts of service provision
  - Adoption of a locality model, with service providers enabled to engage at a local level to deliver services that are more tailored to meet local needs
  - Encouraging voluntary organisation partners to question decisions and systems in the local authority and to become strategic partners
  - More direct involvement by voluntary organisations in planning and piloting cohesive models of service provision
  - Secondment opportunities for voluntary sector staff into local authorities
  - Joint academic research opportunities between the statutory and voluntary sectors
- **What evidence is available to demonstrate whether services are more effectively provided by the voluntary sector or in-house?**

To our knowledge, there is a limited evidence base on which to draw.

Evidence tends to concentrate on financial aspects of service delivery, with voluntary organisations generally accepted to be cheaper than in-house.

Voluntary organisations can also introduce elements of creativity and innovative practice. They are generally more adaptable, and the process of preparing for a tender procedure creates ideas and, in voluntary organisations with a wide client groups, they can develop opportunities for learning from existing provision elsewhere.

Feedback from people supported by voluntary organisations indicates that there is more of a willingness to engage than with an organisation who has statutory powers. It is this initial engagement and subsequent ability to build a trusting relationship which enables change to happen.

- **Is the voluntary sector always fully involved in planning how children’s services could most effectively be provided?**

No. Voluntary organisations’ involvement in planning varies considerably between local authorities, from none at all to patchy. Where there is involvement there is no financial remuneration.

I hope that the above is helpful but would be happy to provide further information if that were useful and to discuss further the work of Quarriers and the people we support.

## **Scottish Children's Services Coalition (SCSC)**

### ***Introduction***

This submission is made collectively by members of the Scottish Children's Services Coalition (SCSC). The SCSC is a policy-focussed collaboration between leading third sector and independent children's services providers who deliver residential care and special education for children with complex needs. In addition, members of the SCSC provide advocacy, advice and representation for looked after children and young people across Scotland.

Members of the SCSC, namely Mindroom, Falkland House School, Spark of Genius, Starley Hall, Who Cares Scotland and Young Foundations, campaign for an outcomes-focussed approach to the commissioning and provision of children's services, which places the needs of vulnerable young people at the heart of decisions regarding their care.

As expert providers of specialist education and care services, working with local authorities across Scotland, the SCSC welcomes the Committee's inquiry into this issue.

Our submission makes the following key points:

- Long-term, whole life outcomes for looked after children and vulnerable young people must be at the heart commissioning decisions.
- Children with the most complex needs often require specialist and tailored services. It is vital that the level of care and support vulnerable young people receive appropriately matches their need.
- Diversity of provision across the children's services sector is fundamental in ensuring that the wealth of expertise and specialisms across both the third and independent sectors are fully utilised.
- For children with the highest levels of need, the specialist services provided by the third and independent sectors means that such provision is often the most appropriate environment for their care.
- There is a need to ensure a level playing field for all types of provision, which does not prioritise cost over other considerations.
- The development of strategic partnerships between local authority commissioners and service providers is key to achieving the best for Scotland's vulnerable young people.

### ***An outcomes-focused approach to children's services provision***

Outcomes for looked after children and young people with complex needs remain poor. The latest Scottish Government statistics highlight that 365 out of every 1,000 looked after children are excluded (compared to a national rate of 45 per 1,000) whilst attainment for this cohort is significantly lower, with an average tariff score of 67, compared with 372 for all school leavers.

Furthermore, children who have been through the care system are 13 times more likely to end up in prison than other individuals and, whilst 5 children in every school class have a learning difficulty, adults with learning difficulties account for only 7% of the full-time employee workforce.

The SCSC believes that these statistics demonstrate that much more must be done to improve the outcomes for those children and young people with the greatest levels of need.

Since its establishment in 2011, the SCSC has consistently argued that improving the outcomes for vulnerable young people requires a fundamental reform of the children's services system. In particular, the coalition has worked to highlight the importance of a needs-centred approach to the commissioning of services. The SCSC's *Ten Point Plan for children's services* sets out the practical recommendations we believe must be implemented to achieve this.

The SCSC believes that such an approach is vital in ensuring that commissioning decisions are made with the impact on long-term outcomes of looked after children and vulnerable young people as the fundamental consideration. Furthermore, for children with the most complex needs to be given access to the best life chances possible, it is of paramount importance they receive the levels of care and support they require and that appropriately matches their need. Failure to do so can result in placement breakdown and an entrenchment of need, which have the potential to adversely affect the longer-term outcomes for those individuals.

#### ***The role of the third and private sector in children's service provision***

Third and independent providers of children's services have a key role to play in delivering improved outcomes for Scotland's most vulnerable children. The SCSC believe that any reform to the commissioning and delivery of children's services must ensure a diversity of provision and that the third and independent sector is able to play prominent role in achieving the best for looked after children and those with complex needs.

There is a wealth of expertise across children's services providers both within the third and independent sector which, the SCSC believe, must be more readily utilised. In addition, many third and independent sector providers have specific specialisms and have the ability to deliver services specifically tailored to the needs of the young people placed in their care.

Furthermore, it is often the case that young people with the highest level of need require the most intensive and specialist services. In many instances, third and independent providers are often best placed to deliver these services, often having the capacity and resources to effectively support the most vulnerable young people.

#### ***Facilitating third and independent sector involvement in children's services***

In order to ensure that the specialist, high-quality services that the third and independent sectors are able to provide are fully utilised and that they play their part in delivering the best outcomes for vulnerable young people, reform to the current children's services system is needed.

In particular, to ensure this mixed economy of provision, a true level playing field among all types of providers is required. To achieve this, the SCSC believe, firstly that commissioning must be determined on the assessment of the needs of the child, rather than a focus on cost or spare local authority capacity that happens to be available at the time. Secondly, in line with the Audit Scotland report '*Getting it right for children in residential care*', the SCSC believe a genuine and fair cost comparison

of local authority, voluntary and independent sector provision must be introduced. Importantly, all the costs included in determining the price of voluntary and independent sector placements, such as transportation and health services, must also be included in local authority pricing.

Finally, and arguably most importantly to the future direction of children's services policy, the SCSC believe that the development of strategic partnerships between local authority commissioners and third and independent service providers is needed to increase effective working within the sector. The development of such partnerships will help increase trust and cooperation between commissioners and providers, increasing the flow of information and enabling providers to put in place more appropriate services that deliver the very best outcomes for vulnerable young people.

### **Scottish Pre-school Play Association (SPPA)**

**Scottish Pre-school Play Association (SPPA)** is a national umbrella organisation that provides support services for early years' services in the voluntary sector, most of which are members of the association. The Charity has been in existence for 44 years. SPPA embraces and promotes quality childcare and early education experiences for young children. SPPA has 1,111 member groups in Scotland and most have management committees made up of parents. SPPA aims to support and enable these volunteers to take on roles and responsibilities for the group their child attends in the pre-school years. These groups are known as pre-school playgroups or nurseries and also parent and toddler groups or parent and baby groups. SPPA values the role of parents as prime educators of their children and having the responsibility of meeting their children's needs with or without support from professionals.

#### **The Question:**

What judgements or criteria are used to determine whether a particular children's service could be or couldn't be delivered by the voluntary sector rather than 'inhouse'?

#### **Answer:**

**SPPA believes that there should be criteria used to determine whether a particular children's service should be delivered by the voluntary sector or in house and that the following should be taken into account:**

- **Suitability and quality of services to meet children and families needs**
- **Children and families should be involved decision making processes (GIRFEC) and have choice (Scottish Government 1998 Meeting the Childcare Challenge Consultation Paper 1998 pages 20 section 4.4 and 4.5, page 21 section 4.6)**
- **Local authorities and health services should look beyond their own services for children to meet children's best interests and that voluntary organisations deliver key services and fill gaps. (GIRFEC and Scottish Government 1998 Meeting the Childcare Challenge 1998 page 27 section 5.10 and 5.11)**

SPPA has positive experience of working in partnership with several local authorities and health boards over the years providing services to support early years groups. Currently, we have contracts with seven local authorities and two health boards. The voluntary sector needs to have the opportunity to raise awareness of the services they can provide if given the chance as they have the expertise and can gather evidence of services that successfully impact on children and families. To be forward thinking recognition needs to be made that local authority and health services cannot do everything. Indeed the voluntary sector can provide services that bring added value to children's services that are valued by families. The voluntary sector should be given opportunities to work in partnership with local authorities and health services in order to use their skills and ability to deliver front line services that can make a difference.

The voluntary sector should be aware of the local authority's responsibilities in relation to childcare and education. There is evidence of parents seeking childcare places not always being given choice and being allocated a place in a service they do not wish to send their child to or an inconvenient location out with the community in which they reside. The concept was originally spelt out in the Scottish Government Consultation of 1998 "Meeting the Childcare Challenge" of true parental choice and suitable childcare places and steps are required to preserve this contribution by the voluntary sector. Current practice can appear to be an economic exercise with the local authorities ensuring maximum uptake of their own services before entering into commissioning childcare places from the voluntary sector and private services. Is there enough consideration given to families' requests and the best interests of the child and which service they attend?

Young children who attend non local authority childcare and early education services who require additional support (e.g. speech therapy, psychological support) should where possible receive this service in that setting. Their family should always be consulted. This would be in keeping with Getting It Right for Every Child.

In relation to child protection and support for vulnerable families SPPA recognises the significant role the local authority and health services have to provide appropriate care and support. Voluntary organisations have a role, where appropriate, to provide support in partnership and this should be recognised and developed. Consideration also needs to be given to the type of support service that would be appropriate for children at risk.

**Question:**

Are there any difficulties in the voluntary sector and public sector working together and if so how these could be overcome?

**Answer:**

- **SPPA considers that there are difficulties for the voluntary and public sector to work together and these should be identified, acknowledged and discussed to work in partnership to resolve them. SPPA has experiences of successful partnership working with public bodies (Currently seven local authorities and two health services)**

SPPA considers that successful partnerships are built on mutual respect and understanding of each partner's role. Developing a relationship and trust based on the understanding of service delivery methods and how agreed outcomes of success would be met are essential components. Regular contact and appropriate levels of reporting should be established for services. To achieve qualitative and quantitative outcomes, time and longer funding periods is essential. Full cost recovery for work undertaken by the voluntary sector should be accepted as standard practice.

**Question:**

What evidence is available to demonstrate whether services are more effectively provided by voluntary sector or in-house?

**Answer:**

- **SPPA considers that both the voluntary sector and the local authorities and other public bodies can deliver services effectively and these should be evaluated and regulated.**
- **Meeting individual needs and providing choice of children's services should mean that children have access to quality services whether it is in house or voluntary sector.**
- **The Care Inspectorate and Education Scotland measure the effectiveness of early education services of the local authority, private and voluntary sectors. The reports that these bodies provide give an indication of quality. Self evaluation of services also applies to all sectors in developing quality and a requirement of inspection.**
- **SPPA considers that a mixed menu of quality services that families can access gives families more choice than only having the local authority option.**

**Question:**

Is the voluntary sector always fully involved in planning how children's services could most effectively be provided?

**Answer:**

- **SPPA supports planning of children's services and is able to bring an early years voluntary sector perspective to strategic groups as can other voluntary organisations with their own area of interest. This can provide a more balanced approach to children's service planning.**

SPPA has been involved at strategic levels with seven local authorities and two health boards to develop elements of services and this has been a positive partnership experience. This has been through childcare partnerships, community planning forums and health service strategic groups. Some of these have changed or been replaced and SPPA is willing to participate in new planning bodies. In recent times, the climate of cuts and savings the decisions about the future of services appear to have been made in-house. The result of this has been that voluntary sector services have disappeared because of lack of funding. SPPA has been fortunate and has retained services in seven local authority areas supporting early year's groups, direct work with children and parents and health promotion work.

## Youthlink Scotland

### **Introduction**

YouthLink Scotland is the national agency for youth work. It is a membership organisation and is in the unique position of representing the interests and aspirations of the whole of the sector, both voluntary and statutory.

YouthLink Scotland champions the role and value of youth work, challenging government at national and local levels to invest in the development of the sector.

Our vision is of a youth work sector for Scotland which offers sustainable, dynamic and accessible youth work opportunities that support young people to become successful learners, confident individuals, effective contributors and responsible citizens.

This response reflects the views of YouthLink Scotland's membership organisations who responded to our request for information. It does not claim to be the position of any one individual member or of all member organisations. Individual organisations may hold views which differ from the opinions presented here.

### **1. The view from the voluntary sector**

Many of YouthLink Scotland's voluntary sector members have considerable experience of working with local authorities. While there are many positive examples of partnership working, there are also many challenges, and some organisations feel that the recommendations sought by the Christie Commission are unlikely to be met unless these issues are addressed.

### **General comments**

- The voluntary youth work sector welcomes the opportunity to work more closely with the public sector to meet the recommendations of the Christie Commission.
- However, the current financial climate has led local authorities to focus their resources on young people who are most in need. While it is important to address the needs of the most disadvantaged young people, universal, generalist services are equally important as they help prevent higher-cost targeted interventions further down the line. The universal approach is entirely consistent with the Scottish Government's desire to embed preventative spending across all relevant policy and legislation.
- Despite this, the youth work sector is currently experiencing the opposite of a preventative approach, as services are being withdrawn and youth work posts are being reduced.
- Effective services must be co-produced and designed with and for young people to ensure the most appropriate provision is offered.
- A person-centred approach to service planning would therefore offer a good starting point to setting criteria or making judgements about which services best meet local needs.

- Public service reform should be courageous. Analysis of the pilot change fund plans showed that no more than 18% of the whole pot was spent on preventative work<sup>6</sup>.
- With the current focus on early years at one end and the 16+ agenda at the other, there is a danger that 8-15 year olds risk being forgotten. However this age group is crucial in terms of transitions, personal and social development, active participation, and ultimately reaching positive outcomes. Gains made in the early years risk being put to waste if there is a lack of investment in services that support young people during the potentially challenging adolescent years.
- Some voluntary sector youth work providers have been under pressure from local authorities to fill this gap in provision for 8-12 year olds.

**Are there any difficulties in the voluntary sector and public sector working together and, if so, how could these be overcome?**

- There is a need to address power relationships as, in some cases, local authorities see partnership working with the third sector as a threat rather than an opportunity.
- There are issues around lack of leadership from local authorities.
- Vision and clear leadership along with working together to achieve shared goals is the only way to mitigate against self preservation.
- Lack of understanding of structure, cultures and regulatory requirements is an obstacle that could be overcome through job shadowing, inter-agency mentoring and joint training.
- Joint service agreements detailing how the voluntary and public sectors can work better together, along with clear terms of reference, would help to build mutual understanding and strengthen links.
- The voluntary youth work sector looks forward to new guidance in this area being published by Scottish Government following the review of community planning and Single Outcome Agreements and the publication of the Statement of Ambition.
- There is a feeling that local authorities regard certain types of youth work experience as expensive, when in fact they represent great value for money. Independent evaluation of youth work provision has shown that in some cases there is a social return on investment of £13 for every £1 spent.<sup>7</sup>
- Links with some local authorities are not always sustainable - if key contacts on either side moves, links can be lost. Communications need to be improved to resolve this.

**What evidence is available to demonstrate whether services are more effectively provided by the voluntary sector or in-house?**

- Good and poor quality provision exists in all sectors. However, the way that some local authorities measure quality can be problematic. It should not be measured in terms of the number of activities, for example.

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<sup>6</sup> Cited in SCVO evidence to Finance Committee 29 February 2012

[http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6884&mode=html#iob\\_62427](http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6884&mode=html#iob_62427)

<sup>7</sup> YMCA Scotland Plus One Mentoring Peer Mentoring Scheme <http://www.scotland.gov.uk/Resource/Doc/309017/0097292.pdf>

- Overall, it is difficult to judge whether services are more effectively provided by either party as there is an absence of consistent and comparable information.
- Voluntary sector organisations may be able to deliver services more effectively than public bodies as they are smaller in size and have less bureaucracy.
- Families may be more willing to engage with voluntary organisations as they take a more holistic approach and are seen as less official than statutory services.
- Voluntary sector organisations have effective systems for planning, delivering and evaluating services as they are required to report back frequently to their funders.
- Another strength of the voluntary sector is that organisations can develop specific areas of expertise.
- The trend towards creating local authority trusts is problematic, as trusts spend a disproportionate amount of time on income generation as opposed to direct delivery of services for young people and their communities.

**Is the voluntary sector always fully involved in planning how children's services could most effectively be provided?**

- There is considerable variation in the level of engagement of voluntary organisations in public sector planning at local levels.
- The voluntary sector is not always treated as an equal partner and getting access to service planning platforms can be extremely difficult.
- In most cases plans are at quite an advanced stage "in house" before consultations begin with other potential partners and often with short time scales, which makes it difficult to respond.

**2. The view from the statutory sector**

As stated above, there are many positive examples of good partnership working between statutory and voluntary youth work providers. For example, City of Edinburgh Council Community Learning and Development (CLD) are involved in the Edinburgh Youth Work Consortium, which is comprised of a CLD Manager, two senior CLD workers and a number of voluntary sector youth work managers covering the diversity of youth work providers across the city. The Consortium provides strategic leadership, and developed the 'Believing in Young People' framework for improving youth work in Edinburgh. City of Edinburgh CLD told us that the Council "values the joint working established through the Consortium [...] and maintains a commitment to including voluntary sector providers in a strategic dialogue about the future of services for children and young people in the city."

However, local authorities also acknowledge that there many challenges to genuine partnership working. Working in partnership towards positive goals is undermined by issues such as vested interests, inertia and a lack of innovation. Genuine partnership, taking a whole systems approach, is required in order to overcome vested interests. This means that local authority services may need to undertake a culture change, practice change and systems change.

Management can be a real barrier as shared services and partnership working are sometimes seen as a personal threat and professional boundaries can become

entrenched. Giving up power is a real issue. Furthermore there is a lack of ambition in the setting of targets. Targets that are easy to achieve may help managers in the short-term, but do little to achieve positive outcomes in communities.

Many local authority service providers believe the answer lies in shifting budgets to the local level to draw on social capital within communities, finding local solutions to local problems and using a range of partners to deliver these solutions. These issues were raised at the Children's Services conference on 22 May 2012 by Martin Crewe, Director of Barnardo's Scotland and by Don Ledingham, Executive Director of Services for People for East Lothian Council and Director of Education and Children's Services for Midlothian Council.

It is above all else about establishing real partnerships of a medium-to-long-term nature, based on mutual trust and shared understanding of the issues and of client needs. The service user should be at the centre of the process and always have a say on how things are done.

## ANNEXE

This annexe contains information on the organisations that will be providing oral evidence, unless this is already contained in their written evidence. Information has been extracted from the organisations' websites.

### **Care Visions**

Over the years we have opened quite a number of homes all over Scotland and latterly branched out into utilising this vision of care for children by providing fostering services. We quickly realised that our formula for care could be expanded further and developed a home care strand to the business. Through the provision of domiciliary care we aim to enhance the quality of life of the service user by helping them retain as much as their independence as possible whether elderly, disabled or have special needs. We now approach the care system from all aspects as we recruit and place care professionals of all levels, at home and abroad, and also provide frontline staff and teams of social workers to Local authorities.

### **Fostering Network**

The Fostering Network is the UK's leading charity for anyone with a personal or professional interest in foster care, with a membership of more than 56,000 foster carers, almost all local authorities and health and social services trusts in the UK, as well as independent fostering providers and local foster care associations.

### **Parenting across Scotland**

Parenting across Scotland is a partnership of charities which offers support to children and families in Scotland. We work together to focus on parenting issues and to help realise our vision.