



OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 22 November 2023

Session 6



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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE

30th Meeting 2023, Session 6

CONVENER

*Sue Webber (Lothian) (Con)

DEPUTY CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

COMMITTEE MEMBERS

*Stephanie Callaghan (Uddingston and Bellshill) (SNP)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Ross Greer (West Scotland) (Green)
*Liam Kerr (North East Scotland) (Con)
*Bill Kidd (Glasgow Anniesland) (SNP)
*Ben Macpherson (Edinburgh Northern and Leith) (SNP)
*Willie Rennie (North East Fife) (LD)
*Michelle Thomson (Falkirk East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Claire Burns (CELCIS)
Mike Burns (Social Work Scotland)
Graeme Dey (Minister for Higher and Further Education; and Minister for Veterans)
Louise Hunter (Who Cares? Scotland)
Nicola Killean (Children and Young People's Commissioner Scotland)
Adam Mackie (Scottish Government)
Fraser McKinlay (The Promise Scotland)
Kevin Mitchell (Care Inspectorate)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 22 November 2023

[The Convener opened the meeting at 09:00]

Subordinate Legislation

Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 [Draft]

The Convener (Sue Webber): Good morning, and welcome to the 30th meeting in 2023 of the Education, Children and Young People Committee. The first item on our agenda is consideration of the draft Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023.

This statutory instrument is being considered under the affirmative procedure. If approved, the order will require that there be two trade union nominee board members—one from college teaching staff and one from support staff—on the management boards of the incorporated colleges, New College Lanarkshire and the Glasgow Colleges Regional Board. As with every statutory instrument considered under the affirmative procedure, we will take evidence from the responsible Scottish Government minister.

I welcome Graeme Dey, Minister for Higher and Further Education and Minister for Veterans. Alongside the minister, we have Adam Mackie, senior policy officer at the institutional governance and reform unit of the Scottish Government, and Alison Martin, a solicitor in the Scottish Government legal department.

I invite the minister to make an opening statement. Minister, you have up to three minutes.

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): I am delighted to be here today to discuss the Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023, which makes changes to the constitution of the boards of management of all regional and incorporated assigned colleges, regional college boards and the board of management of New College Lanarkshire. For ease, I will, from now on, refer to the changes as affecting “college boards”.

The order makes amendments to existing legislation to ensure that there are two trade union

nominee members—one from the teaching staff and one from the support staff—on college boards. Consequential amendments to the board sizes are also made to ensure that there remains a balance of independent board members. I hope that, among other things, that will go some way to improving industrial relations in the sector by giving greater voice to trade union views in decision making and by helping to improve confidence, particularly among the workforce, in decisions that are made by college boards.

I am grateful to the committee for its work in scrutinising the Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023, and for accommodating my diary today in order that I can also attend a similarly important event elsewhere this morning. I also want to put on record my thanks to Ross Greer, the good governance steering group and the trade unions, who have all provided input at various times to help develop the order and prepare the sector for its implementation.

It is no secret that industrial relations in the college sector are far from ideal, and that has been the case for some time. Concerns have been raised through the committee and through my engagement with trade unions about a range of workforce issues, including college governance. I have been clear throughout that engagement that the workforce issues are a matter for colleges to consider, but it is my expectation that there will be meaningful engagement and collaboration with trade unions and workers on such matters. I should add that existing processes are pursued when issues arise.

The order will make improvements to college governance by adding trade union nominees to college boards, and I am optimistic that it will improve confidence in college board decision making by giving trade unions a more direct route to bring workforce issues to boards. That aligns with the Scottish Government’s wider fair work agenda, which, at its centre, is about workers having an effective voice. Having trade union nominees on boards will further the input of trade unions in decision making.

I welcome the committee’s continued focus on college governance and industrial relations and its scrutiny of that legislation. The Government has always been clear that, although industrial relations are matters for trade unions and college employers, it will work alongside both to encourage and improve relations and ensure good governance in the sector. I look forward to taking any questions that the committee may have.

The Convener: Thank you for that, minister. We will move to questions from members.

Ruth Maguire (Cunninghame South) (SNP):

Good morning, minister. This is a welcome move, and it is important for the fair work principles that you set out. Will there be any further opportunities to strengthen board governance? That is always important, but, particularly while we are operating in times of financial constraint, it is crucial that we have excellent governance on our college boards.

Graeme Dey: Indeed. We are getting under way a piece of work that is a review of the guidance that is issued to college boards. Perhaps Adam Mackie will explain the detail of that.

Adam Mackie (Scottish Government): We are currently looking at the guidance on the appointment of board members. We have been working with the good governance steering group on that, as well as on the order. We will consider the appointment processes and the skills that we look for in board members to ensure that there is fairness and parity across the sector and in how members are appointed to boards. We have been working on that in tandem with the order. Once the order is agreed to by the Parliament, we will seek to consult on the guidance document. We are happy to flag it to the committee when the consultation goes live.

Graeme Dey: In addition, we will ask the college development network to look at the nature of the training that is provided to participants on boards. It is no secret that, when MSPs join the Parliament, there are opportunities for training on questioning techniques. That might be worth exploring to ensure that there is full accountability in board settings. I am happy to consider any other suggestions that the committee might have in the context that I have just outlined.

Willie Rennie (North East Fife) (LD): In a similar vein to Ruth Maguire's question, I want to explore the no-compulsory-redundancy policy again. I accept what you have said before, which is that colleges have always been excluded, despite the broader statements that were made in the past. Are you recommending to colleges that there should be no compulsory redundancies?

Graeme Dey: Our position, as we have discussed in the chamber on other occasions, is that colleges ought to be exhausting all possibilities to avoid compulsory redundancies. We have to recognise that they are stand-alone institutions and that, regrettably, circumstances might lead to such a situation, but we are encouraging them. For the most part, college principals and boards are very much committed to trying to avoid compulsory redundancies.

Willie Rennie: When Mike Russell was in your position, he was quite clear that he was making a strong recommendation. He said, "This is Government policy and we expect colleges to

follow it." Is your position slightly different from that? Do you have a softer approach to it, or are you still as firm as Mike Russell was?

Graeme Dey: I cannot speak to what Michael Russell said all those years ago. My position is realistic. We have been very clear with colleges. As I said earlier, for the most part, college boards and principals want to do anything that they can to avoid compulsory redundancies. That is where we are.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning, minister and officials. One of the points that you made earlier, minister, was about training and the ability to question people, including in situations such as this. I am sure that many members of boards, including trade union members, would want to benefit from that. However, the evidence that we have had from the Educational Institute of Scotland Further Education Lecturers Association and Unison has been that, rather than needing to improve their negotiating skills, they need the facility of time and support to be able to engage in the structures. They have also said that the machinery is not independent, so the machinery—not just the questioning—is part of the problem. Is there anything that you could do to reset that relationship and re-grow trust in the machinery?

Graeme Dey: Do you mean the machinery within the college, if they are sitting on the board, or the whole machinery?

Pam Duncan-Glancy: I imagine that it is both: the ability to influence a board decision and also the way in which, for example, the management of the joint committee is held and whether you consider that it needs to become independent.

Graeme Dey: You are referring to a negotiating committee.

Pam Duncan-Glancy: Yes.

Graeme Dey: I agree with you, and there is no doubt that there is scope for doing this far better than is currently the situation. However, we need to get agreement on what those changes might look like. I have had a number of conversations with all sides on it, and I do not think that we are in the space where there would be agreement right now. However, it is incumbent on me, as minister, to try to drive that forward, because we cannae go on as we have been for years. There have been far too many personality clashes involved in it. There are question marks about the structures and how they work, so I think that we need to review it.

Ross Greer (West Scotland) (Green): I very much welcome the instrument, and I think that it will go some way towards resolving some concerns. However, I am interested in what the process of escalation would be. You will be

familiar with the current issues at the City of Glasgow College. That is what has caused me to ask the question, but I am asking it in a general sense, because I think that it applies to more colleges than just that one, particularly where colleges sit under the regional board in Glasgow or Lanarkshire.

There are still questions from unions about how they should escalate an issue if they are unable to resolve it with college management. What is the role of the college board, the regional board, the Scottish Funding Council and you in that? Will you explain how a trade union that has been unable to resolve an issue directly with management should go about escalating it? I am sure that, as MSPs, we all get lobbied by unions on a variety of issues in this regard, often with a variety of suggestions about whether the issue should go straight to the SFC, straight to you or straight to the college board—or, in some cases, the regional board. What process should be followed if there is a concern about redundancies, particularly when the correct process has not been followed?

Graeme Dey: The regional set-ups congest the landscape a little bit. To go back to the original point, it is not for ministers, as I have kept saying, to intervene in individual disputes, but there are processes in place. If we take the example of Glasgow and the current set-up there, the escalation route is to the regional board.

In the context of the dispute that has been running at one college in Glasgow, that route has not been followed. I met the trade unions last week and, to my surprise, I learned that they had not pursued it. That raises the question about the board's role: should it be proactive when it sees a dispute?

On the back of those discussions, I met the board last Friday. I encouraged the board and the trade unions to get together—I did not care who made the first move—to explore some of the claims that have been made around the dispute. I am pleased to say that, on Monday, they took that opportunity. There have been discussions, and I understand that, as of today, the trade unions are to go back to the board with further information.

I outline that example because it shows that processes exist. I am not saying that they are perfect. As you know, we are considering future governance arrangements in the regional set-ups. That is the process that can and should be followed. If a regional board comes to the conclusion that there is something of concern to it, it has the opportunity to escalate that to the Scottish Qualifications Authority [*Graeme Dey has corrected this contribution. See end of report.*], which I would expect it to do, if that were the case, in any such circumstances.

Ross Greer: In the interests of time, I thank the minister for that update, which was useful.

The Convener: Thank you for your answers, minister.

As members have nothing further to add, we move to the formal debate on the instrument on which we have just taken evidence.

Motion moved,

That the Education, Children and Young People Committee recommends that the Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 [draft] be approved.— [*Graeme Dey*]

Motion agreed to.

The Convener: I thank the minister and his officials for their time this morning. I suspend the meeting until 9.20 to allow the minister and his officials to leave before we move to the next item on our agenda.

09:13

Meeting suspended.

09:20

On resuming—

The Promise

The Convener: The next item on our agenda is an evidence session with the first of two panels on the progress that has been made towards achieving the Promise. I welcome Kevin Mitchell, executive director of the Care Inspectorate; Mike Burns, assistant chief officer of the Glasgow health and social care partnership, and convener and chair of the national chief social work officer committee; and Fraser McKinlay, chief executive of The Promise Scotland. Good morning.

I would like to say on the record that, although we are hearing from a range of organisations today, we very much want to hear from children and young people, too, and we hope to arrange to do so in the coming months. I want to make sure that people are aware of that.

We will move straight to questions from members. Michelle Thomson will kick off.

Michelle Thomson (Falkirk East) (SNP): Good morning, and thank you for joining us. In preparing for the meeting, I read “The Promise Oversight Board: Report TWO June 2023”, which calls clearly on the Scottish Government to set out a strategic investment plan to deliver progress on the Promise. To what extent does the board appreciate the challenges in doing that, given the chronic funding constraints that are in place at the moment? Following on from that, what are your thoughts on areas for prioritisation, given that, as you know, the Scottish Government operates to a fixed budget and has significant constraints? It is about areas for prioritisation. If you were to develop that strategic plan, what would you prioritise?

I see Kevin Mitchell nodding, so he might like to go first.

Kevin Mitchell (Care Inspectorate): Thank you, and good morning, everybody.

There are undoubtedly significant challenges. The Promise is rightly ambitious, and anything of that nature will take considerable time, but there are key priorities. From what we know from all our scrutiny evidence, one of the most critical aspects is family-based care. If, as a nation, we are to commit to keeping children out of public care and more in family-based care, whether that is with their families or with extended families or something of that nature, family-based support is clearly critical. I understand that some of the investment is planned to go on that.

From our scrutiny evidence, we know that it will be important to provide family-based care that is around the whole family, so that includes adult services. Children live in families, so it is important to ensure that the right services are available for

not just the children in the families but the parents, if the situation is impacting on the children’s lives.

That is a key priority, but our evidence also shows the significant importance of investment in early intervention. Support for the most vulnerable—poverty plays a huge part in this—needs to be provided not just early but at the right time and early enough to prevent things from escalating. From the scrutiny evidence that we hold, we know that that will be critical.

In parallel with that is the need to ensure that there is the right number of staff and a skilled and competent workforce. However, we know from all our scrutiny evidence that the current significant recruitment and retention pressures go right across social work and social care, and probably nowhere more so than in children’s services. In all the years that I have been involved in scrutiny—there are more of them than I care to remember—I do not think that I have seen a situation as bad as it is now, and I include the pandemic in that.

Almost every local authority that we interact with, formally and informally, is having significant challenges in recruiting social work staff—particularly social workers, but that does not exclude family support workers. Similarly, there are shortages in critical areas that support children and families. I am thinking about health visitors and speech and language therapists, so the issue is quite broad. There are a number of complexities, but those are the two most significant areas that I would highlight.

Michelle Thomson: I am interested in what you said about capacity, which is an issue of both labour availability and skills. With that in mind, would you support the devolution of immigration powers, for example? We can grow the skills that we need only at a certain speed and, often, you can circumvent that issue by bringing people in. However, as you know, immigration is restricted and those powers are reserved to Westminster. Would you support that?

Kevin Mitchell: With respect, it is not for us to give a view on that; we would defer to politicians on that.

However, it is clear that some innovative approaches to the workforce and strategic workforce planning will be needed in the coming years, because there are significant shortages, tensions and challenges. As I said, almost every local authority that we interact with reports difficulties in recruitment. For example, they do not receive enough applications. During the pandemic, and as we have come out of it, that has been compounded by the fact that very skilled, experienced leaders and managers have also been leaving.

Our evidence suggests that there would have to be a very clear focus on a strategic workforce plan across the entire social work and social care area, with a particular focus, in this instance, on children's services.

It is important to say that, although the committee's focus today is on local authority chief executives, in our experience, leadership needs to be collaborative. It is not just a social work issue. We are talking about the safety and wellbeing of children and our aspirations for them to grow up loved and respected. In our experience, for obvious reasons, that requires very strong collaborative leadership at all levels, not just a focus on local authority chief execs and social workers. However, I am sure that the committee understands that.

The Convener: Remember that workforce issues will be explored by another member.

Michelle Thomson: I was about to make that exact point. However, Kevin Mitchell has highlighted the complexity of the situation very well.

I will stay on the theme of prioritisation of investment. I can see Fraser McKinlay nodding. I am interested in teasing out the relative prioritisation involved in developing an investment plan. We have already had some comments on that, particularly in relation to early interventions. What would you like to add?

Fraser McKinlay (The Promise Scotland): For the record, the oversight board is an independent body, but the Promise Scotland provides it with secretariat support. However, all that said, the report is pretty central to the work that we do. We have been working hard behind the scenes to help the Government to think about and put in place a methodology for investment and disinvestment.

As some members know, I worked for Audit Scotland for 15 years, so I have spent a lot of time writing reports about how public money is used and the extent to which we have been able to move towards prevention. It has been really difficult. One of the reasons for that is that we have not been focused enough on the areas that we want to invest in and, alongside that, the areas that we need to disinvest in. Given the financial position that we are now in, which is probably as challenging as I have known it to be in the post-devolution era, that disinvestment discussion is almost more important than the investment discussion.

I absolutely agree with Kevin Mitchell. There is wide and shared agreement that we want to invest in and prioritise early help and support for families. The next question is, "Where do you find the money?" There is no easy answer to that question. It is not easy for the Government, and it will not be

easy for the Parliament when it comes to the point of making those decisions. We will wait to see what comes through this year's budget in a month or so.

09:30

We think that, by having a clear and robust methodology that involves properly engaging with and speaking to people with lived experience, we will develop some propositions on where there should be investment and disinvestment and, importantly, on how we get from one to the other. There needs to be some investment in the change process. In the past, we have expected people to run the existing system while making the changes that we need to make in order to get to where we need to get to in the future. We have not done that very well—it is a really hard thing to do. I am sure that Mike Burns will say something about that from a service delivery perspective. We need to be much better at bridging that gap.

I should mention the whole family wellbeing fund. As you know, the Government committed £500 million to that over the parliamentary session. Two lots of £50 million were identified in the first two years. It is looking unlikely that all of that money will be found and spent in the next two years, before the end of the parliamentary session. As we say in our submission to the committee, how that money is identified and used to make the shift towards the longer-term ambition for prevention is critical.

Michelle Thomson: A follow-on question will be asked about the whole family wellbeing fund. Thank you for your comment about disinvestment. Many people do not seem to understand the implications of having a fixed budget.

I invite Mike Burns to comment on prioritisation of investment.

Mike Burns (Social Work Scotland): Your question was a helpful one, and Kevin Mitchell's and Fraser McKinlay's opening comments were immensely helpful.

You asked whether the need for a robust strategic plan is appreciated. I think that progress is being made on that. In our dialogue with the Scottish Government, it has been a great deal more appreciative of that challenge. Fraser McKinlay has highlighted the need for transitions from the "as is" system to the "to be" system. Kevin Mitchell helpfully spoke about the enabling context. In Glasgow, in particular, and nationally, we have been saying that, if there is to be a single system with a whole-system approach, the scale of complexity must be recognised.

In recognising that complexity, we must understand that the enabling context has, as

Fraser McKinlay said, got markedly worse in the past four years. Come March, we will be four years into the impact of the Covid pandemic. We would certainly not say that we are out of that, in any shape or form. We are seeing greater acuity and greater challenges around mental health, and the impact of poverty and austerity is increasing at an even greater rate. As Fraser McKinlay said, that is in the context of a situation that is extremely challenging for the public sector finances.

We emphasise—this has been part of our learning—the need for capacity. It is a case of capacity, capacity, capacity. We must recognise that we will not be able to shift the system from where it sits, with the legacy of all the legislation that has been layered on and the challenges that we currently face, to the new vision unless we act collectively, as a coalition across children's services as a whole. It is critical, as Kevin Mitchell said, that health visiting, social work, education, early years, speech and language, and mental health, as well as the third sector and Police Scotland, recognise the need for the Promise to be embraced and understood across the system.

However, for that to happen, we need to have capacity so that we can quicken the pace and radically build on the progress that we have made, even though, at times, we have been swimming against the tide.

The Convener: I point out that Mike Burns is representing Social Work Scotland today. I did not make that clear in my introduction, and I want to make sure that people are aware of that.

I want to ask about the whole family wellbeing fund and the impact that it has had so far. How might the success that it is having be built on from the point of view of prioritisation? Perhaps Fraser McKinlay could go first.

Fraser McKinlay: The Promise Scotland welcomed the fund when it was announced a couple of years ago. We recognised that the money for it was repurposed rather than new money, so, in a sense, it is a good example of the challenge that we face.

The Government provided £50 million for the fund in the two most recent budgets, which was welcome. I will say a little about the experience of ensuring that the money is well spent. Some of it—around £32 million a year—is distributed to local places. Mike Burns will be better placed to talk about how that has gone.

Nationally, the Government struggled to figure out what to do with that money to make that systemic shift. The idea of the whole family wellbeing fund was that it was supposed to support the change that would be built on to make those transformations and that prevention more sustainable in the future.

My view is that the fund is still a good thing. The Government's evaluation will give us some learning about how it has gone locally and nationally. We need to learn those lessons and think about how to do things differently. There is something to learn about the system—to use that phrase—and the organisations and people in the statutory and third sectors who are delivering brilliant work and family support in many places.

We have a tendency to fall back into the traditional ways of doing this work. Too often, we hear about whole family wellbeing funding and we then need to identify a post and appoint a person to become the whole family wellbeing co-ordinator in a place—I am being slightly simplistic for effect. We then get stuck in recruitment challenges and, before we know it, six months or a year has passed and we have not made progress.

I encourage people, nationally and locally, to think about cash-first approaches. We know that giving money to families is a good way of supporting them in difficult times, and we should think more radically about what that money is used for. There is also the Government's commitment to take a more strategic approach to identifying where the remaining £400 million of the fund will come from.

Willie Rennie: I have received reports that the money is being used to backfill for reductions in expenditure that have been made elsewhere. What has happened? Where has that money been repurposed from? How is that service being provided? Is there evidence that the money is being used to backfill in areas that have been cut?

Fraser McKinlay: I have not seen hard evidence of that, but I have heard of conversations around it. Because of how the money is brought in, it is hard to say that a certain local area got a certain amount of money and that it was definitely used to backfill for something. However, in many places, people have been very strong in ensuring that the whole family wellbeing fund money is used for things that would not otherwise happen.

There are some grey areas where things were due to be reduced or cut and the money has helped to sustain something—that is not necessarily a bad thing, by the way, if people have managed to continue that funding. That is one of the lessons that we need to properly learn and one of the things that I hope the evaluation work will tease out a bit more. We need to get a wee bit more specific about that dynamic and be a bit clearer about how we ensure that the funding is designed to help make those changes in local systems.

Mike Burns: Thanks for clarifying my position, convener. I reference my experience in Glasgow quite a bit.

The Convener: That is fine.

Mike Burns: On Mr Rennie's point, it has been helpful to, in a sense, hold our nerve on spending that money. We have had a lot of political buy-in from the council and the IJB, which have recognised that this is a once-in-a-generation shift towards the aspirations of the Christie commission and getting it right for every child. You are right in your questions to highlight systemic transformational change in the way that we fund that early help and earlier intervention.

On a positive note, we have been able to hold that fund in the context of the shift in the balance of care that we have experienced in Glasgow. From 1,413 children in care, which costs in the region of £95 million, we reduced that number down to 624, as of Friday. Of those 624 children, only 79 are under five.

That is a massive testament to the Scottish Government's investment in health visiting. The number of health visitors has gone from 150 to 274. There has been an 82 per cent increase in the workforce and an 82 per cent decrease in the number of children coming into care. We have been able to shift that spending. When we looked at that £95 million, we saw that we were spending only £2.7 million on prevention. We managed to increase that to nearly £8 million, and then, through massive support from the chief executive, we connected that to around £7 million of community planning money.

We are also connecting up streams of money from the Government of £1.7 million for mental health and £2.6 million for school counselling. One of our educational psychologists says that a lot of children who show signs of distress around mental health are, in actual fact, living in poverty, so there is a laser-like focus on anti-poverty approaches and on trying to connect the Scottish Government into the work that we are doing. However, recognising the point that Fraser McKinlay and people in different parts of the country are feeding back, we have sometimes looked at quick wins and at funding and enhancing what was already in place.

We have had really good support from the third sector in consulting on this collectively and recognising that, as Kevin Mitchell said, we need to focus on the early years and earlier intervention—pre-birth, from ages zero to two, and from ages two to five. It is about collectively recognising that we are talking about a whole-system change; it is not about simply looking at quick wins.

We have had really good support, and we need it, from our chief executive and finance colleagues so that we can hold our nerve and recognise that, if we backfill or simply trade one saving for another

saving of the “as is” system, our capacity—going back to Ms Thomson's point—will simply diminish. We have tried to build medium-term confidence with our director of finance in the HSCP and in education in the council and to say that, if we can address early years and earlier intervention, we can substantially reduce the failure demand. We have been able to show a £24 million reduction in that six-year spend. If we had the same number of children in care, that would be costing us £70 million today, so what we did six years ago was absolutely necessary and we were at a critical point at that stage.

The Convener: The oversight board has concluded that delivering the original aims of “Plan 21-24” is no longer realistic within that timeframe. You have spoken of some great successes in Glasgow. What assessment has your organisation made of that? Do you believe that the Promise can be kept by 2030?

Mike Burns: Before coming to the committee, I reflected on the correlation between child poverty and poverty per se, and the impact of children coming into care. In delivering the Promise, we have to deliver a real attack on poverty and on the impact of poverty.

Whether we secure important shifts by 2030 is, in a sense, an important gate point in that progress. However, in terms of 2024, we need to look at that whole family wellbeing fund. We have reduced the number of children in care, as the Promise wants us to do. We have driven down the number by, for some reason, 10 per cent every year. However, we want to use the whole family wellbeing fund to move that number to 13 or 15 per cent. Can we shift ourselves in a direction, as Kevin Mitchell said, that is still about re-engineering all the money back into early years and earlier intervention?

We talk as professionals about wanting an enabling context to provide support for families, but one of the things that I reflect back on is that parents are entitled to an enabling context. They are entitled to funding that helps them to bring up their children. They are entitled to good housing and good access to early years provision.

We are in a reasonable position, but I keep coming back to the point that we need alignment of capacity to quicken things up and we need to be in a position in which we are communicating back to our elected members and to the Parliament that we are making tangible progress. It is about people feeling that concrete and tangible progress is being made in relation to where we will be in 2030.

09:45

I made a point to be provocative and aspirational, but it did not go down as well as I had hoped. What I was actually saying was that, if we were to replicate what we have done in the past seven years over the next seven, we would perhaps then have no children in care, with the bulk of children who are looked after being in kinship care and sustained within the city.

Sadly, we recognise that some children will probably still have to come into care, that we will still have to put children on the child protection register and that we will still need secure care, but we must be in the radical position of knowing as a country, and as a city, that we are providing first-class early years and earlier intervention and that we are meeting all the aspirations that were set out by the Christie commission and that we know should be our direction of travel.

I think that we are in a reasonable position, but we can and must do better.

Fraser McKinlay: My answer to the question of whether the Promise can still be kept is yes, absolutely. The oversight board's report says that, too, while recognising that "Plan 21-24" is unlikely to be met in full. I do not in any way say this as an excuse, but the reports by the independent care review were launched in February 2020 and born into a world in which the pandemic was unfolding and, since then, we have had a cost of living crisis. I do not mention those things as any kind of excuse, but they give an important context for the work that has happened in the first three—almost four—years of the Promise.

As we learn lessons from the brilliant work that Mike Burns and his colleagues in Glasgow—and those in lots of other places—are doing, the key thing is to remember that what matters in the end is how that feels to children, young people and families in the system. Of course, it is a good thing if the number of children and young people in the care system comes down, and that absolutely must be part of our ambition, but it will not mean anything unless they genuinely feel the love and the relationships that the Promise is all about.

As you know, I have been in this job for about a year. In one of the early conversations that I had, we discussed the possibility that we could tick all the boxes to complete the actions in the Promise, but that the Promise still would not be kept if children, young people and families did not feel that, day in and day out. I am sure that you will hear about some of that from the witnesses on the next panel. The changes that my team and I are working on are genuinely long term and are not yet having enough impact on the daily lives of folk who are in the system.

That continues to drive us, as I know it drives Mike Burns and all his colleagues across the country. That is where things such as scrutiny and inspection come in, because we must ensure that we are measuring what matters. We may well come on to that: we have too often measured what matters to the system but not what matters to children, young people and families.

The Convener: That is a good segue into hearing from Kevin Mitchell.

Kevin Mitchell: If I may, I will stay on that point for a minute or two. In my earlier comments, I alluded to the nature of transformational change and to the scale of the Promise, which will take a number of years to implement. It is unfortunate that "Plan 21-24" came out during the pandemic and had the start that it did. As Fraser McKinlay and Mike Burns have both said, we are in a context of cost of living pressures and the difficulties in staff recruitment and retention that I alluded to, so it is a challenging policy landscape overall.

Although we are not inspecting the Promise per se, through our scrutiny work, which the committee may come to discuss, and principally through our strategic inspections of children who are at risk of harm, we see aspects that we are interested in. I do not think that there is any doubt about the strong commitment of chief officers and partnerships. Those are crucial. We do not focus only on the chief executives of local authorities, important though they are in the whole picture. We see that commitment, but there must be renewed focus, energy, drive and commitment, and those must continue at pace if all the ambitions of the Promise are to be achieved.

We recognise that we have a part to play in that, which is why three of our six workstreams are outward focusing but three focus inward, on ourselves. We recognise that we have a role to play with our scrutiny partners. We are committed, as I think chief officers are, to doing all that we can to ensure that our contribution helps to ensure that the Promise is delivered on time by 2030.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): I thank the panel members for their comments so far. I will go to Fraser McKinlay first, although the other panel members are welcome to come in, too.

As we have heard, the oversight board report talks about the perception that the Promise is a social work role, which has led to challenges with multi-agency working. What work has been done with schools to help them to realise the Promise and what more could be done in that area?

Fraser McKinlay: The first thing to say is that lots of good work is happening in schools across the country. In North Lanarkshire, Midlothian and

lots of other places, training happens for people who work in schools. The picture is that lots of good stuff is happening in lots of different places, but we are not yet seeing that happening everywhere all the time. That is my ambition. In a sense, the job of the Promise Scotland is to ensure that the good things that are happening in local places are replicated across the country in ways that are appropriate for different communities and environments.

We still hear that the Promise is seen as a children and families social work thing and that it is just about the care system. Of course, it is about children, young people and families in and around the care system but, as we have talked about already, a lot of the work around the Promise has to be much wider than that. For example, one thing that is in “Plan 21-24” and in our work programme for this year is a commitment to end informal and formal exclusions of care-experienced young people in schools. That is a clear commitment that was in the Promise and was carried forward into “Plan 21-24”. That is an enormously ambitious and challenging thing to want to do, and it is one of the things that we will probably not achieve by March next year, which is one reason why we are putting some focus on it.

The reason why school exclusions are an interesting and powerful example is that the issue cannot just be fixed by teachers in a classroom. The question of exclusions is a genuinely whole-system one about understanding why those young people are turning up to school in the morning in a frame of mind that means that they are behaving in really difficult ways that end up in an exclusion. Another interesting thing is that there are schools that do not exclude people at all, so we know that it can be done, although we know that it is difficult. We also know that there are lots of different views on whether we should aim to end exclusions for care-experienced young children—there is a debate on that.

The reason why I mention that as an example is that it is a wee bit of a microcosm of the Promise overall. There is a presenting issue, which is care-experienced children and young people being disproportionately likely to be excluded from school—significantly so—but when we begin to tease that out and unpick it, we find that the solution cannot just be about what happens in a classroom; it has to be a whole-system approach, using a range of levers. That is why we are keen to get under the skin of that issue.

Mike Burns: That is challenging, and the pandemic has had an impact, particularly in relation to issues around attendance and attainment. As Fraser McKinlay said, North Lanarkshire Council has done a lot of work. We replicated some of its work in relation to

wraparound support until 9 or 10 o'clock at night on Saturdays and Sundays. Fraser makes an important point about how we create wraparound support for families.

We have had fantastic buy-in from education and we have been clear that, through our commitment from our local schools, which are there to hold on to children and young people, we can do really well. There are issues around virtual school. Our educational psychologists, because of the shift that we have made, are now significantly in our residential units. We have used a significant amount of money through mental health funding to respond to the pandemic and get children and young people back into school, as that has become a real challenge over the past four years. We know that, if we can get them into nursery, primary school and secondary school, their opportunities for positive destinations and better outcomes increase significantly. Again, it is about capacity in schools; whole-system change is required to deliver the Promise in the way that it needs to be delivered.

Stephanie Callaghan: If I can just go back a bit, Mike, and talk about schools and about Glasgow learning from what has been happening in North Lanarkshire—I have seen some of that work and it is fantastic. What has been done to ensure that other areas are learning from the good practice, not just in North Lanarkshire and Glasgow but right across the board?

Mike Burns: It is quite unusual, but I think that 15 local authorities have contacted us off their own bat about the work that we have done with the Promise, with the Scottish Government, CELCIS and the University of Strathclyde. We have been really keen about and open to that contact, because whenever we take that dialogue out, we learn; and we are always trying to find where a breakthrough or a bit of progress has been made that we need to attend to.

That kind of links to Kevin Mitchell's challenge around integration and inspection. We recognise that we still have a massive journey to go on to make some of the improvements that we need to make. As you said, it is about cross-system learning and looking at where things are working—that is critical.

The Convener: Fraser, can we have a brief response to Stephanie Callaghan's follow-up question, if that is okay? I am already conscious of time.

Fraser McKinlay: I will be very quick, convener.

One of our key jobs is to ensure that good practice is shared. It is important to stress that although we are sharing things on our website—there is the stories of change initiative, which is all about sharing good practice—it needs to be

deeper than that. One of the reasons why we have picked exclusions in education as a specific focus for us this year is to do exactly that—to ensure that we can really get under the skin of the virtual school approach in North Lanarkshire. It is fine to say, “There’s the virtual school approach. Everyone go and do that,” but what is really important is the detail of how that is done, the time that it takes to properly understand what has happened in those places and for people to apply it in their own context. We are getting into some of the real detail around the sharing of lessons. We run communities of interest and communities of practice and so on, so that is a key part of our job.

Stephanie Callaghan: That is really helpful.

Moving on a bit, and staying with Fraser McKinlay, we noted that more robust data on sibling contact was needed. Who Cares? Scotland’s brothers and sisters participation project found that many siblings were unaware of their sibling rights and did not have regular contact. Clearly, children being aware of those rights—knowing that they will get to see their siblings—provides a lot of security for them. Has any further progress been made?

Fraser McKinlay: That happens to be one of the four areas of focus in our work programme for the next 12 months, for exactly those reasons. Siblings—brothers and sisters—is an interesting one, because the policy and legislative environment for that is really strong in Scotland. Everyone recognises the importance of keeping brothers and sisters together, where it is safe to do so, and yet it is still stubbornly difficult to deliver in practice. That is the bit that we are really interested in. Why is it that too many sibling groups still have to be separated at the point of the state getting involved in their care? That should not be the case.

We need to tackle some practical issues to do with the availability of foster carers, particularly for larger sibling groups, but we also need to unpack a cultural issue there. Obviously, the data is critical. It is fair to say that there is a lot of activity around the issue—for example the brilliant work done by Who Cares? and others—and we are hoping to support the momentum of that, because about 25 per cent of sibling groups are still separated and we need to get that number down. That is the work that we are focusing on over the next 12 months.

Willie Rennie: I return to the issue of behaviour in school. I buy all the stuff about early intervention, and I get the point about needing to avoid exclusions if at all possible. However, teachers tell me that they are often frustrated that they are left to pick up the tab when the service fails elsewhere. How do we deal with that? How do we support teachers to do their job?

10:00

Mike Burns: We need to learn where the new approaches are, and then it is about wraparound support and mentoring that goes right into the schools. Emotional and behavioural support is an area that is growing quickly. There is a massive waiting list for it because the need goes massively beyond what we have the capacity to do. The issue is then about engagement, when there needs to be time out and when we need to take different approaches. It is also a matter of how we integrate and how we hold the young person. To pick up Fraser McKinlay’s point, like anything, the longer that young person is out, the more barriers they face. We have to find a way of supporting educational colleagues to feel that it is not just a matter of the child getting a wraparound solution—it is a wraparound for the getting it right for every child team, with the team working together in a way that is connecting in with residential, kinship and fostering services, and with the family. That should be something that we are doing together.

This relates to the issue around brothers and sisters and capacity. We might often be running at 100mph, but we are being asked, “Where’s the data on that? Where’s the data on improvement?” We have pockets of that, for instance in relation to our initiative with Quarriers, which is really important, but we are trying to stretch that out to all the third sector organisations that are involved in the family so that—I like the point that Kevin Mitchell made—family support involves supporting the parents or other adults and also supporting the teacher and supporting the whole system to hold the young person. That becomes critical.

Willie Rennie: I will move on to housing now, if that is okay. The latest figures show that the proportion of those under 25 who were looked-after children and who were assessed as homeless or threatened with homelessness has increased by 10 per cent over the past year. Why is that happening and what are we doing about it?

Fraser McKinlay: I am happy to pick up on that question initially.

As you know, the Promise is clear that care-experienced children and young people should not be going into a homelessness system. That should not be happening. The oversight board report highlights the board’s disappointment that the care-experienced pathway of the Scottish Government’s homelessness strategy was temporarily paused, which was to do with capacity issues. The oversight board has made its disappointment at that pretty clear.

As you know—and as is mentioned in the oversight board report—there are some great examples of work happening in your neck of the woods. For example, the Fife House Project,

which is part of the National House Project, is all about working intensively with care-experienced young people to help them make the transition into their own tenancy and the results of that are fantastic. Tenancies are being kept and that is a win-win for the young people and for the council, which gets a secure tenant. The project provides a much more stable base where the young people can work and do all the stuff that we would want to be available for any child.

The solutions are there. We know how to do this, and it is a matter of finding some resource and bringing about a cultural shift, so that it is not okay for children and young people who are described as leaving the care of the state to go into the homelessness system. That would not be acceptable for any of our own children, so it should not be acceptable for care-experienced young people either. It is troubling that we are not making better progress on that. The oversight board has said to the Government that it would expect to see a much clearer focus and priority on that over the next 12 months.

Willie Rennie: The issue is not that we are not making progress; it is that we are going backwards.

Fraser McKinlay: Sure.

Willie Rennie: So, you accept that. Do we understand why that is happening? We know that the homelessness situation overall is tough—housing supply is difficult—but if this is a priority, why is the trend going backwards?

Fraser McKinlay: Part of our concern is that the priority has been paused in the past 12 months. That is precisely the point that the oversight board is making. There is no doubt that that is another example where one of the best ways of dealing with the issue for the care-experienced community is to deal with it for everyone, in the same way that it is probably better to not exclude any children at all, and not just care-experienced children.

I do not really know why those numbers are heading in the wrong direction, Mr Rennie. My guess is that it is part of the wider context that we see across the piece. For example, two weeks ago, City of Edinburgh Council announced a housing emergency. There is no doubt that the headwinds around poverty that Mike Burns described are as strong as they have ever been, but that should only redouble our commitment to make progress.

The Convener: Michelle Thomson, do you have a supplementary on that?

Michelle Thomson: Yes, I have a quick one. I am fairly new to the committee and I am not aware of the reason for the priority being paused. If you

could help me to understand that, that would be useful.

Fraser McKinlay: Not in great detail. It was paused for capacity reasons—that is what the Government said the issue was. However, other equally important workstreams were continued—in particular, those on domestic violence against women and girls. From our perspective it was a concern that the care leaver pathway had been paused temporarily. That is not to say that no work has been happening on it at all, but it was in the strategy and it was then temporarily paused.

Michelle Thomson: Again, it is one of those areas where, if everything is a priority, then nothing is a priority because of potentially chronic constraints. However, I am guessing—I do not know.

Fraser McKinlay: Indeed. I make no apology for wanting to push the care community to the front of the queue for prioritisation. However, as we said at the start of the discussion, in response to your question, decisions on prioritisation are difficult. We are not terribly good at talking about it out loud. Sometimes, if we prioritise one thing we inevitably deprioritise something else. We need to have a more up-front and honest discussion about that.

Michelle Thomson: Okay. Thank you.

The Convener: Mike Burns wants to comment.

Mike Burns: We absolutely welcome the idea of the age going from 16 to 24 or 25, and we recognise how important that is, but funding is a huge issue. Chief social workers would say that we are absolutely committed to that. If we look at the population that we are holding in our residential units, we can see that we are fostering 18, 19 and 20-year-olds.

As Fraser McKinlay said, the enabling context is horrendous in relation to homelessness. The numbers of unaccompanied children seeking asylum, the situation in Ukraine, the impact of the pandemic and the moving of people out of hotels all mean that the position is really squeezed. We are in the process of doing a 16-plus accommodation review that is trying to make the provision commensurate with our investment in residential homes, which is £1.7 million per home, times 13. However, we now have to make that accommodation suitable for those aged 16 to 25 commensurate with what young people are now looking for on a contemporary basis in 2024.

The Convener: Kevin Mitchell also wants to come in.

Kevin Mitchell: Just very briefly, convener. We know that care-experienced young people are more likely than their peers to experience homelessness. As Mike Burns said, and as all our

scrutiny evidence tells us—I suppose that it is another example of why a multidisciplinary approach from both the scrutiny bodies and the services is required—housing options are important, but so is supporting young people to maintain those options and tenancies. However, I emphasise, too, the multi-agency aspect, including input from housing departments.

The Convener: Thank you very much. We now move to questions from Ruth Maguire.

Ruth Maguire: Good morning, panel. One of the areas that was identified for priority focus was early deaths of care-experienced children and young people. I would like to hear from you on that.

I was quite surprised to read that information about the circumstances of early deaths is not collected. I understand that there is now a national hub for reviewing and learning from early deaths of our children and young people in care.

Perhaps we could hear about that work from Kevin Mitchell initially.

Kevin Mitchell: I suspect that some of what you referred to might allude to the most recent report that the Care Inspectorate published on that subject, entitled “A report on the deaths of looked after children in Scotland 2012-2018”, which gave an overview of our responsibilities with regard to deaths of looked-after children in Scotland. The report covered a total of 61 care-experienced children and young people.

I suppose that there may be some confusion in that regard. The Care Inspectorate’s specific role relates to reviewing the deaths of looked-after children. That is our contribution to the national hub for reviewing and learning from the deaths of children and young people, which is led by Healthcare Improvement Scotland.

When the report was published, there was some concern about that issue. We wrote to the Promise oversight board to highlight that, while we do not have all the information in our report on deaths of looked-after children, it would probably not be true to say that that information was not available to the child death review hub in its wider role of looking at the deaths of all children, whether or not they are looked after. The information is there, but we do not have all the information for our part of it—it comes together only in the joint work that is done through the child death review hub.

Again, there was some confusion—I do not know whether the committee is aware of this—in that 42 of those 61 deaths involved looked-after children, and 16 of those deaths were a result of life-shortening conditions. Tragic though those deaths are, there is nothing to suggest that they would have been avoidable. Within that number,

there are also deaths through misadventure and unexplained deaths. Again, tragic though those are, the same applies.

It is important, therefore, to get below the figures. We provided that clarification to the oversight board, to ensure that those figures were understood. Although our report presents limited data on the characteristics, there is also the wider review—in which we play a part—that is led by HIS.

Ruth Maguire: It feels very uncomfortable to be talking about numbers when we are talking about actual children and young people.

I suppose that the committee would want to be reassured that, where there is learning to be had, it is possible to do that to ensure that we are doing the best for children and young people in our care. I do not know whether other panel members have anything further to add on that.

Fraser McKinlay: I will come in briefly, bearing in mind what I said at the start about the fact that I am not speaking for the oversight board.

In a sense, Kevin Mitchell’s response illustrates the problem. I accept everything that he said, but the fact that there are different organisations in the system that are looking at different parts of the issue, meaning that we are unable to get a fully rounded picture, is part of the problem.

Importantly, the oversight board’s point—this is what I am hearing Kevin say—is that we do not know enough about the nature of those young people’s lives. That is the thing that is absent from the whole debate and discussion, and that is the bit that the board feels strongly about, as do I.

The critical thing is to understand what is happening in those young people’s lives that leads them to that place. Like everything in the Promise, there is a lot of process that we need to get better at. I believe that the process in the system, in this context, is important because that is what drives people’s behaviours. It also needs to have an end point in mind: it must be about understanding the lives of those children and young people, and their families, to see why they have ended up in that place and how we can prevent that from happening in the future.

Ruth Maguire: Thank you for that answer. That is exactly the point, is it not? The system has to understand individuals’ lives.

I do not know whether Mike Burns has anything further to add.

Mike Burns: That is connected to the point that has been made about the support framework for those aged 16 to 25, and to the point that Kevin Mitchell made about the absolute need for

capacity in wraparound support for that length of time.

10:15

I look back on my career with a real degree of pain and ask myself why we did not pay attention earlier to those young people's lives. It is much better now that we are in the position of being required to always think of their lives and to learn the lessons. That is a testament to them. As Fraser McKinlay highlighted, those deaths are absolutely devastating for all the staff and all the young people who were in and around those lives. We recognise that, through the Promise, a lot of the lessons that come out of those young people's lives—lessons about loneliness and the need for us to be much more trauma informed—are articulated by the young people themselves.

I will go back to some of the things that we were talking about, because we rarely focus on the quality of practice and the need for sustained kindness and support for a young person and how important continuity is for them. As Fraser highlighted, there is a lot of exceptional practice across Scotland on the part of the foster carers and the staff in children's homes, who are holding on to those young people. Again, we can and need to do better on some of that.

Kevin Mitchell: I want to clarify something for the committee. Although the child death review hub is led by Healthcare Improvement Scotland and we play a part in that review, it is important to note that reviews are being undertaken for all child deaths up to the age of 18 and for the deaths of those in throughcare or aftercare up to the age of 26. Reports are published and will continue to be published on the learning from those reviews. Ruth Maguire made the important point that lessons have to be learned in some cases. We have to make sure that, as far as is humanly possible, we minimise the risk of anything of that kind happening again. It is a key role for the whole hub that we play a part in to ensure that that learning is circulated to those who are able to ensure that the lessons are learned and that the risks are minimised for children and young people.

Ruth Maguire: Thank you. I will move on.

Physical restraint was another focus of the oversight board's first report. The report states that, although there is a commitment to culture change across the residential sector, progress is mixed. What assessment has been made of the impact of the new reporting procedures in relation to restraint?

Mike Burns: Ideally, we would prefer no use of restraint, but the procedures and processes have been strengthened. For example, we require care services to notify us of any incident of restraint,

and proportionality is key when restraint is used. We have worked with others to broaden the definition to ensure that we capture all instances of restraint. When we inspect individual services, we look at individual circumstances or any patterns or trends that give us cause for concern. That summarises our role.

Fraser McKinlay: The requirement to report on restraint shines a spotlight on it, which is a good thing. It might be a bit early to say exactly what the impact of that reporting has been, but one of the issues that we are keen to press—we have been working with the commissioner's office on this, too—is the need for guidance and expectations around restraint to be consistent across all the different settings. We can make progress in care settings, but that should also be the case in education and everywhere else. It is important that that is progressed by the Scottish Government across all those fronts and in all the different settings, so that we do not end up with a patchwork approach to restraint.

As has been said, the oversight board has been pretty clear in its last two reports about its expectations with regard to progress.

Mike Burns: Some good progress has been made in relation to that. Our children's units have replicated how nurturing our schools are, so we have, in a sense, gone down the route of considering how nurturing our children's homes are.

As Kevin Mitchell and Fraser McKinlay said, there has been a commitment to no restraint. That has been really positive, because we have been working closely with Kibble Education and Care Centre and Aberlour Child Care Trust to focus on that strength-based, asset-based, trauma-informed approach and recognise that all behaviour is a communication. We have had significant contributions from speech and language therapists to enable us to understand issues around delay and communication and children on the spectrum. Again, positive work is being done on that and we are rolling it out, but we also want to be in the position to share that with Kibble and other parts of the system.

The Convener: We move to questions from Pam Duncan-Glancy.

Pam Duncan-Glancy: Good morning to the witnesses. Thank you for answering the questions so far and for sending information to the committee in advance.

One of the submissions that we got was from The Promise Scotland. Fraser McKinlay, in that submission, you highlighted the need to ensure that work to deliver the Promise is well planned and carefully sequenced, and that the workforce is supported. We have covered a number of those

issues today. To what extent are those things currently happening?

Fraser McKinlay: My short answer is that we think that they need to happen more. I know that the committee has been taking a lot of evidence recently on that very question—particularly in relation to the Children (Care and Justice) (Scotland) Bill. There is an obvious immediate link between work on that bill and the work of the children’s hearings system working group. We are spending a lot of time with the Government, which assures us that it understands the connections between those two things, but, if I am honest, we could still see the evidence of that more strongly. It is about really understanding the implications of all the moving parts.

If I take a big step back, on one level, it is really positive that so much policy and legislation, which is absolutely designed to help to keep the Promise, is coming through the Parliament at the moment. That is a thoroughly good thing, but the risk of that is the complexity that it brings. We have already talked about the pressures that the workforce is under, and the committee will have heard about that in evidence from Social Work Scotland and other bodies. We need to be really careful that the planning and sequencing of all the different moving parts—the cogs that are turning—all make sense together, not only for the people who deliver those services and deal with the changes on the ground, but, as importantly, for the children, young people, families and people with care experience who receive the services. We would like to see more evidence on that. There is still an opportunity to be clearer about the sequencing of the legislation that is being passed and how its implementation will pan out.

Pam Duncan-Glancy: I appreciate that. You have probably heard the minister say in committee recently that she was going to treat the review of the children’s hearings system separately from consideration of the Children (Care and Justice) (Scotland) Bill. Do you think that that is the right decision?

Fraser McKinlay: I am a big fan of both/and—I think that both things can be true. To some extent, the bill and the review are discrete things in their own right, but they clearly have overlapping interactions. Although, of course, there is a legislative process for the consideration of the many individual recommendations in the hearings system working group report, I absolutely understand why the Government wants to give them due attention in their own right, and it is absolutely critical that they make sense as a package. Otherwise, we will make decisions around how things should work in ways that make it really difficult for the people who have to make them work.

Pam Duncan-Glancy: Do you think that there is a risk for the bill if the suggested hearings system changes do not happen first?

Fraser McKinlay: Yes—I think that there is a risk of that, because of the important interaction between the two pieces of work. I hesitate because it is not necessarily as simple as saying, “You need to do this bit first and then that bit.” Some things can be run in parallel and some can be implemented over a period. The change was never going to happen overnight. I do not have a specific view on exactly what bit needs to happen first, followed by the other bit. In a sense, that is the Government’s job.

As Ms Duncan-Glancy said, in our submission to the committee, we listed a range of things that are coming together over the next period. That makes it important that the holistic view is taken and that everyone really understands how those parts will fall into place once the legislation is passed.

The Convener: Mike Burns, you are keen to contribute.

Mike Burns: It goes back to the initial question about whether there is sufficient appreciation of the enabling context, and I think that the answer to that is no. We keep coming back to the word “alignment” and how there is a lack of sequencing in the layering on of legislation.

In Glasgow, we are fortunate to have a legal team, but it is, at times, feeding back to me and saying, “We cannae keep up with the changes.” If that team cannae keep up, what impact is the situation having on health visitors, social workers, teachers and so on? There must be greater connectivity and alignment in the implementation, and we need to think about that and its impact on capacity if we are to be in a position to make changes. We cannot have 10 priorities; I have to be told what priority number 1 is and what priority number 2 is so that I can then deliver in the right direction.

I acknowledge that a number of these things join up, but we must take cognisance of how exhausted the system is and how exhausted the people and families who are in it are. We have to provide implementation that is commensurate with that challenge.

Pam Duncan-Glancy: I will resist the temptation to ask more about the workforce, because one of my colleagues is going to do so.

You said that priorities are really important. What information has been shared with you all about the Cabinet sub-committee on the Promise since its announcement in the programme for government, and what do you think it should prioritise?

Mike Burns: It should prioritise listening. I think that we are making progress on that because of the work that we have been doing collectively to ask the Scottish Government, through the whole family wellbeing fund and public sector reform, to come with us on the journey—to come in and see the implementation challenges and that, as Fraser McKinlay said earlier, there isnae a lack of willingness but there is an issue around capacity. That is where we need to connect the Verity house agreement and a dialogue on tackling poverty, employment and all-age childcare with the whole family wellbeing fund.

It is then about recognising that we need to get the alignment right between the leverage of change and where we think we are gonnae make that change as a city, as 32 local authorities and as a system. I think that we have to do that together. There is no point in saying that there is a set of priorities in Edinburgh if the challenges in Dundee, Fife and Angus are not understood.

Kevin Mitchell: We have been paying close attention to the recent announcements and how they will impact on our work. I see many of the things that we have talked about today reflected in that, and the Cabinet sub-committee that is to be chaired by the First Minister is very relevant to the Promise work, as are commitments on funding some of the issues that are deep in our hearts, such as family support and the workforce issue.

Part of what I highlighted earlier was the complex legislative and policy context. There is a lot there and it is all important. We just need to be thoughtful in our work and how we interact with services and partnerships, because they have a lot on. We keep coming back to the point that, when staff are in short supply, the tendency is to focus on crisis intervention. We see that in our scrutiny work. We have seen huge commitment from chief officers and others in our strategic inspections, and we have already seen some significant improvements in some aspects of the Promise, but we should not underestimate the scale of the challenge that staff are facing. Unfortunately, when we talk about early intervention and prevention, when staff are really challenged, they will make sometimes difficult and unpalatable decisions to focus on crisis intervention. That goes back to what Fraser McKinlay and Mike Burns talked about earlier.

There are a lot of messages there, but there is a lot to do and to take in, and it is all important.

The Convener: Thank you very much for that.

We have to move on, Pam, if you do not mind. I call Ross Greer

10:30

Ross Greer: Thanks, convener. I have two questions. I am conscious of the time and the fact that you have all touched on these issues in various ways, so feel free to be concise or simply refer me to your previous answers.

The first question is about how we disseminate best practice and embed it in the system. It has been pointed out that there is loads of best practice happening across the board but that it is happening in a very patchy way; various folk are good at various things, but nobody is doing everything in the way that we want it to be done.

I direct this question at Mike Burns in the first instance. Are we being systematic in how we collect evidence of best practice and in how we then embed that across the system? Everyone has a lot of anecdotes about it, but I am not sure that we are actually seizing best practice and embedding it wholesale.

Mike Burns: For a year, I have been chairing a group on data, in which Social Work Scotland works with the Scottish Government. I used the previous meeting to get appropriately frustrated about the fact that we cannot continue to generate the same amount of data when nobody looks at it or pays attention to it. There has to be a feedback loop that creates alignment, leverage and drivers for change.

The bit about enabling context is very important, because, to go back to some of the discussions on the national care service, we have 32 different enabling contexts. Therefore, at times, there is no point in simply writing a report and telling the system as a whole what it needs to do. We need to engage each part of the system on what its challenges are and what it needs to do.

However, we have learned things. We need to slow down, and we need to be precise and prescriptive about the changes that we must make. We need to do some of that nationally, because I do not want to be in a position in which I might just happen to find something out; if something is working elsewhere, tell me about it and I can look into implementing it.

Fraser McKinlay: I absolutely agree that we need to be more systematic, Mr Greer. Doing that is partly the job of The Promise Scotland, and we are focusing our work on that, to ensure that we will be more “assertive” about good practice, which is how we describe it in our strategic work programme.

If we see stuff being done that looks good to us, we will tell people about that and ask them why they are not doing it, as opposed to continuing the approach that we have taken up until now of letting 1,000 flowers bloom. That approach has

been good, but we are at the point—we have six-and-a-bit years to go until 2030—at which we need to change our focus. Therefore, if someone has a better idea than what Highland Council is doing for example, they should tell us about it. If they do not have a better idea, we will ask why they are not doing what Highland Council is doing.

We do not have any powers to make people do stuff, but we can change the tone a little bit, and the Care Inspectorate and others have good vehicles and mechanisms for sharing good practice through their inspection reports, which we would expect people to pick up on.

The short answer is that we definitely need to be more systematic during the next period, and the next two or three years are critical.

Kevin Mitchell: Ross Greer made a good point. We have a statutory duty to identify and disseminate good practice, so we aim to do that in every inspection. We not only will signpost that service to where we know that there is good practice in order to help them but will take opportunities during our strategic inspections to do that. We profile examples of good practice in reports and, when we publish thematic reports for our regulated care services, we give a stage to some of the good practice examples from the services that we have seen, to allow them to profile themselves, with the aim of helping others. We do not necessarily do that so that they can transpose such practices—as you said, what works in one area will not necessarily transpose to another area, whether that be a rural or city area. However, practices can be adapted that can save time and help to drive improvement more quickly.

The member's point was really important. We try to do as much as we can around that.

Ross Greer: I will return to what Mike Burns said about voicing an appropriate level of frustration to the group on data. That issue is of interest to members of the committee, and to Parliament as a whole, across a wide variety of areas. We produce a huge amount of data in the public sector, but that does not necessarily drive improvement in the way that we want it to or even give us an accurate reading of how the system is operating. Will you tell us a little bit more about what you mean when you talk about trying to streamline the data that is being produced to drive improvement? What is the working group's process for doing that?

Mike Burns: I have tried to talk about whether we can get to a place where we benchmark equally with each other. We will then be in a position where we can look at how we are making progress and at whether we are making the progress that is needed.

On a Monday morning and on a Friday, I look at the exact numbers of children who are in our formal care and at the numbers who are in kinship care. We then look at the rates of admission every week and every month, and at the issues in and around throughput. With regard to the points that have been made about the rate per 10,000, we are looking at the rate per 10,000 vis-à-vis the rate of poverty, and we are seeing that the children we are looking after still come predominantly from the Scottish index of multiple deprivation zones 1 and 2.

At times, the data can get interesting. I would say that if that data is of interest to you, that is fine, but if we are trying to transform—radically change—the system, we have to look at the information that provides a feedback loop in order to tell us whether we are on the right journey.

We have to pay attention to the information, for instance, on the number of children in Glasgow who are looked after; the data on the number of placements, because that tells us about placement continuity and stability; and the data on brothers and sisters and other relations.

There is a hard edge, with me saying to people, “We cannae get into a big debate.” We need to be looking at 10 key items that we are seeing nationally, as that is what drives us towards delivery of the Promise.

Ross Greer: Is there—

The Convener: Sorry, Ross—can I bring in Fraser McKinlay on that first?

Ross Greer: Yes, absolutely.

Fraser McKinlay: I have two very quick points. First, my team talks about data to prove and data to improve. We spend a lot of time on data to prove and on reporting to people but not enough time on the data that helps us to do things differently and better.

My second point—this is critically important to me—concerns the nature of that data. We have been spending a lot of time doing work to figure out what is important to measure if you are a child, a family, a young person or a care-experienced person in the care system. We are currently much more focused on gathering data on what matters to the system than we are on gathering the data on what matters to the people who are in the system, so that is a massive shift for us.

The Convener: In the interests of time, we have to move on. Liam Kerr is next.

Liam Kerr (North East Scotland) (Con): Good morning, panel. My question is for Fraser McKinlay. I will stick with something that Ross Greer was examining. You said earlier that this agenda is wider than just the care system and that

there needs to be change across the whole system. You also alluded, in your answer to Mr Greer, to the extent of your powers. How can The Promise Scotland drive and help to embed system change, given the current extent of your role? Are there any tools that you could use that are not currently available to you?

Fraser McKinlay: Our job is to challenge and to convene and bring people together in ways that they may not have come together up to now. As I explained earlier, our role is to join the dots to ensure that good practice is being shifted.

There is no doubt that I have quite an unusual job—it is quite different from the one that I used to have, which is one of the reasons that I was excited to do it. In the end, it is about culture, and leadership is critically important. There are organisations—not least the Care Inspectorate and others—that have the statutory responsibility to do the accountability bit.

I have been in the job for a year, and I was involved in the care review beforehand. What I find really striking is that the moral credibility and legitimacy that the Promise still brings with it is enormously powerful. People are very committed to it. The voices that were heard in the care review, which continue to be heard—the committee will hear from colleagues from Who Cares? Scotland soon—continue to be an incredibly powerful force. That is about both holding the system—in which I include The Promise Scotland—to account for change and then ensuring that the changes are right.

At the moment, I am not looking for additional levers or powers. To be honest, the last thing that the system needs is another organisation with powers to do stuff.

We, as an organisation, are committed to not being here by 2030—we are publicly saying that The Promise Scotland will not exist by 2030, because once the Promise is being kept, there is no need for an organisation called The Promise Scotland. I have to say that that commitment to our own obsolescence is quite powerful, because it means that, when we turn up in places, the only thing that we are interested in is what needs to happen to keep the Promise. We have no skin in the game beyond 2030, and we expect the organisation to begin to reduce in size as we move towards that date. That allows us to say things and do stuff that other folk in the system find a bit harder to do.

Liam Kerr: I understand. Thanks for that.

Fraser McKinlay has just brought up what he called “the accountability bit”. The Promise Scotland’s “Plan 21-24” sets out five priority areas. Earlier, Kevin Mitchell, you mentioned that work on that has been tough, for the various reasons that

you gave. What changes has the Care Inspectorate made to inspection and regulation in line with “Plan 21-24”, and is there anything further planned?

Kevin Mitchell: Thanks for the opportunity to address that. We have done quite a lot. There is always more that we can do, and there is always more that we will do. However, as I briefly alluded to, we have taken six actions internally. We have an individual who has full-time responsibility for the Promise work within the Care Inspectorate. That was an initial commitment by the chief executive, and that team was established in 2021. Also, we have regular reporting to our board as part of our corporate plan, which was developed covering the period from 2022 to 2025.

The key changes that we have highlighted involve the six workstreams—three internally facing and three externally facing—that recognise the dual responsibilities regarding what we do ourselves and our role in working with others.

The biggest change has been in the quality frameworks that we produce. We have amended our quality frameworks to include a clear reference to the Promise’s aspirations in children’s services—that is, the early years services and residential child care—and to put a much stronger focus on experiences and outcomes.

When our documents are used, they are primarily for self-evaluation—that is one thing that, hopefully, benefits the services themselves—but, when our inspectors inspect, they use the same framework. As a result, we have put an even stronger focus than we had before on the lived experience of the children; on participation and engagement; and on listening to children. That has meant that we sometimes spend longer on an inspection, because we are interviewing more children and spending more time with the young people.

The best example that I can give—it is by no means the only example—is the secure care pathway review that we published recently. Hitherto, the inspection of a secure care service would concentrate only on what is happening in the service. However, quite innovatively, we deliberately labelled the inspection as a pathway review and focused on the experience of the children and young people before they went into secure care, while they were in secure care and when they left secure care. That involved following 30 young people over a period of 18 months and interviewing each of them three times. That very different approach gave us not only a rich insight into what happens in the service—which is critically important in terms of care, safety, protection and wellbeing—but a rich insight into people’s journey to the service, which is just as important. We were able to look into whether

things could have been done quicker or earlier and whether that might have avoided the need for a person to go into secure care, and at the issue of what happened after they left secure care. We were able to look at a much bigger picture.

People have told us that that changed approach is much more helpful to the services because the process relates not only to secure care but to the assessment before someone goes in, the early intervention and prevention work, and the support that is there after children and young people leave secure care. Of course, we had to do that at the expense of individual service inspections, because, as you can imagine, it is quite a time-consuming process, but it was the right thing to do.

All our frameworks have much more emphasis on that approach. We have always focused on experiences, but we are doing much more engagement, and that applies to our early years services as well.

We have a principal team of services that Mike Burns leads and manages, which is about training and developing our staff to ensure that they are trauma informed. We have introduced a learning and development framework, and we have had development days for our team that undertakes residential childcare inspections.

10:45

There is a huge amount of work, but our role is just as important externally. Although we lead the strategic inspections in relation to children who are at risk of harm, that work is undertaken in collaboration with the police inspectorate, the education inspectorate and Healthcare Improvement Scotland, which we have been working with. We are the social work and social care regulator, but the issue does not sit just with social work, so we have to drive the shared understanding and commitment through our joint work.

We also encourage development. We are part of the Audit Scotland strategic scrutiny group, which has been renamed—I struggle with its new name, but Fraser McKinlay will be familiar with it; I will have to look at my papers, because I get it wrong every time—the strategic public sector scrutiny network. In effect, that is the strategic scrutiny group, which comprises chief executives from all the scrutiny bodies, including the Scottish Housing Regulator, Healthcare Improvement Scotland and those for police and fire services.

Recently, we spent most of an afternoon discussing our individual self-evaluations of our work in relation to the Promise and in particular “Plan 21-24”. Openly and transparently, we shared what we had done and what we still had to do.

That was really helpful. We have a key role not just in working on our own processes but in supporting others, and that is in the nature of our work.

If you were to ask me to do self-evaluation, which we ask others to do, the obvious question would be, “How are we doing?” There is steady progress, but we recognise that there is a lot more to do.

Bill Kidd (Glasgow Anniesland) (SNP): I am aware that we do not have a lot of time left; I will ask about workforce recruitment and retention, which has been mentioned, and about how important that is. The Promise Scotland submission highlights the workforce’s important role in reforming the system, but a survey that the Scottish Social Services Council published on 31 October found that all local authorities, bar one, were finding it difficult to fill social work vacancies, for the very good reasons that there are too few applicants with the required experience or qualifications and that the pay is less competitive than that of other employers.

The minister has told us that a workforce improvement plan is being developed and is due to be published in 2024. What involvement have you and your colleagues had in developing the proposal to move things to a better place?

Mike Burns: Social Work Scotland has been heavily involved in that, particularly with the office of the chief social work adviser. There is a significant focus on the issues in and around recruitment and retention, and on the enabling context of support, supervision, professional development and the situation post qualifying.

It is recognised that we need investment and capacity in the infrastructure to get recruitment right across the country. There are challenges that relate to rural areas and the Highlands and Islands. We need to look at how we create the opportunity for people not only to be recruited but to be sustained in their roles.

I go back to a point that we touched on earlier. We have qualified social workers, health visitors and team leaders whose only experience has come in the past four years, which included the pandemic. As a consequence, we need to recognise the space and capacity that are needed for support and reflective practice. We are keen to work with the Government on that.

Bill Kidd: Does anybody else wish to add anything?

Kevin Mitchell: I am sure that the Government gets advice from many people, as will members of the committee. We hope that the advice that we give, which is based on scrutiny and evidence, is at least helpful. I reassure you that we take every

opportunity to share with Government not just our individual reports but our collective assessment of what they are telling us about the workforce. That is, hopefully, based on evidence, so that we can back up our advice with evidence. I hope that that is valued and considered important.

That is a key role for us, and we do that at all levels of the organisation. Our chief executive, Jackie Irvine, will do that at her level. We do that with our sponsor branch, and we do that with various policy officials across our portfolio, which spans early years, children and young people, adults and older people, and justice. We take whatever opportunities we can, but we ensure that our advice is based on evidence. We hope that it is more helpful if our advice can be absolutely substantiated.

Bill Kidd: That is very helpful.

I will ask Fraser McKinlay a question on the back of that. To what extent are the aims of the Promise still achievable if workforce and capacity issues remain as they are now?

Fraser McKinlay: There is no doubt that that is one of the risks to achieving the Promise in full. My only other contribution to this question is that the issue around recruitment and retention cannot just be about social workers. The Promise will be kept by an enormous range of people who work with and alongside children and young people and families, including care-experienced people. The Promise takes a broad definition of “workforce”, and social work is central to that. However, we cannot grow social workers overnight, so the long-term work has to happen.

We need to think quite differently about how services are designed and who therefore needs to be involved in those services to ensure that we have the right people able to provide the right support at the right time. That cannot just be a conversation about what might be referred to as “the professions”.

I am confident that those things can be sorted, given all the conversations that we have had and all the work that we have talked about. I would add that, while we are right to be concerned about the pressures on the workforce generally that arise from the new things that are coming through, we should bear it in mind that many of those new things will help: they are the long-term solutions to the problems that we are currently facing. Sometimes, there is a point here about framing—that we should not always see things as another problem that we have to deal with. We are talking about issues that will make things sustainable in the long term.

Bill Kidd: That is very positive. Thank you for that.

The Convener: I thank the panel for their time this morning and for the evidence that we have heard, which has been very useful indeed.

I will now suspend the meeting for eight minutes to allow for a changeover of witnesses before we reconvene to hear from our second panel on this topic.

10:52

Meeting suspended.

11:00

On resuming—

The Convener: We will continue our scrutiny of the Promise by hearing from Claire Burns of CELCIS; Nicola Killean, the Children and Young People’s Commissioner Scotland; and Louise Hunter, chief executive officer of Who Cares? Scotland. Good morning to the three of you, and thank you for joining us.

We will move straight to questions from members, and I will bring in Michelle Thomson again.

Michelle Thomson: Good morning, and thank you for joining us. My question is similar to the one that I asked the previous panel, in which I referred to the oversight board calling on the Scottish Government to set out a strategic investment plan to deliver on the Promise. What, specifically, should be prioritised for investment, given the Scottish Government’s chronic fiscal shortfall and the nature of its funding?

I do not know whether any of you were in the room for the earlier session. We heard quite a lot of commentary on the complexity of that aspect, and we heard that some areas need to be deprioritised so that others can be prioritised. We also had a long discussion about capacity.

I do not know who would like to go first on that. I am trying to get a sense of what we should prioritise, because we have to prioritise something.

Claire Burns (CELCIS): It is a good question. The committee kept hearing about the amount of policy and procedures, and the cluttered landscape. As Mike Burns said, the sector is looking to the Scottish Government to say, “We cannot implement everything, so what are the most important things to implement?” I will highlight two or three things.

It is easy to identify areas such as early family support, but we also have to prioritise the collective leadership piece. As the previous panel said, that needs a whole-systems approach, with collective leadership. That in itself is a programme of work—it will not happen on its own.

We are really learning about that through the whole family wellbeing element and from our experience. If we want the Promise to be implemented within the timescales, we have to put investment into the collective leadership piece. How are we getting leaders in local areas together? That should include people who have responsibility for education, social work, social care, finance and commissioning, because they can unlock some of the barriers that we face. We need to work with them, and we need to shift the question to ask, "What is it going to take to implement the Promise, and what does it mean that your department is going to have to say and do differently?"

It is about creating that readiness and building that up. We have to be realistic and acknowledge that that is part of the work. It is not enough to say, "We need more early family support and more investment in kinship care." Those things are important, but we have to see collective leadership as part of what we need to invest in.

The other aspect is that we are getting clearer about the relationship between child poverty and children and young people who require support and those we are looking after. We talk about leverage, but we cannot intervene everywhere. Where can we find places in which we think that we can make the biggest preventative impact on the biggest group of children and young people?

Can we focus, in the child poverty strategy and the child poverty pathway, on the things that we think will be most preventative and that will give us the biggest investment for children and families? Again, it is about identifying those priorities.

Another aspect is whole family support, particularly around universal services. The reason that I say that is because that is what children and families are telling us all the time. They ask, "Can we get the support earlier, when we need it?" and they also ask, "Can we get it through universal services?" because those services are available to everybody.

The committee heard Mike Burns talk about the investment in health visiting, and how people feel about that in Glasgow. They may not have the data, but they feel that that has led to quite a significant shift.

Those are the three things that I would identify.

Michelle Thomson: That is helpful. Going back to your first point, do you think that the Government recognises the scale of the transformational change, from a leadership perspective, that is needed? We are talking about quite significant stuff, and you are right to say that there is a cost associated with that, too.

Claire Burns: I think that we are making progress on that with Government. The Government is engaging in conversations with local authorities, including Glasgow City Council, asking them what they have done, what they have learned and how it can go on that learning journey with them.

Coming to terms with what the transformational change will involve is a big challenge for all of us in the sector, not just Government. It is not just going to take things being put into legislation, it is not just going to take training and it is not even just going to take funding because, as you have heard, that funding sometimes goes to places other than the places it needs to go. It will take a much greater shift in how we approach change, and I think that Government needs to be on that journey, but the sector, including us, needs to be on that journey, too.

I will finish with this, because I know that other folk want to come in. I think that Government is also beginning to recognise that it cannot just roll out the change to local areas. People in local areas are a significant part of that change, so they need to be on a learning journey around how they themselves are part of the barriers, how they are getting in the way and how they can collectively find solutions to those issues. It is important that they are part of that journey with us.

Michelle Thomson: Thanks for that. I invite Nicola Killean to come in, followed by Louise Hunter.

Nicola Killean (Children and Young People's Commissioner Scotland): Thank you. As you know, I took office in August this year and, as this is my first time giving evidence to the Education, Children and Young People Committee, I want to put on record my personal support for the Promise and my commitment to supporting children and young people with experience of care.

In response to your specific question, I will echo a lot of what Claire Burns said. A significant focus is needed on that implementation plan, and there must be an absolute understanding of the collective leadership that is required across that.

I want to flag up the vital role of the third sector in that. There is a need for a joined-up approach from the Scottish Government and local government, but that involves the third sector and an acknowledgement of the leadership that it is delivering in the early intervention and preventative space, where third sector organisations often find ways to connect with young people and their families earlier. That needs to be recognised in the strategic investment plan, too.

On prioritisation, I echo what Claire Burns said about prioritising that implementation plan with

effective leadership and aligning that with strategic investment across the board, and with accountability. In preparation for today, I was privileged to speak to some young people with experience of care, and I hope to draw on that throughout today's session. They were crystal clear that they want to see more accountability, but it has to be meaningful accountability.

Louise Hunter (Who Cares? Scotland): I thank Nicola Killean for that important link to care-experienced people. I think that this is perhaps the first time in this meeting that we have spoken about care-experienced people.

I will give a bit of context before I directly answer the question. You will see that, behind me, in the public gallery, we have lots of members—they wanted to come along today because this feels like the first opportunity for a bit of public scrutiny around Scotland's attempts to keep the Promise.

I will explain who I am and what we bring to the table. Who Cares? Scotland represents 4,000 care-experienced people across Scotland. Care-experienced people are not a homogeneous group—they are not just children and young people, and I would like to touch on that quite heavily today. We have spoken almost exclusively about children and young people, but we know that the impact of care is lifelong.

Our members share their views with us every day. We hear from them in lots of different ways through our data gathering, advocacy, events, committees and so on. Today, although I am the one sitting here, I will be bringing to you directly what those care-experienced members have told us over the past almost 45 years.

In the past year alone, we have represented 1,700 care-experienced people and more than 6,500 advocacy issues across 32 local authorities. We consult our members regularly. Last summer, we consulted with them in an event called the Promise and me, and we also consulted with them this year through our summer of participation, when we spoke directly to 200 care-experienced people about the impact of the Promise. That is what I will bring to the table today.

I want to talk to you about how care-experienced people feel about the Promise, because I do not think that we have covered it so far this morning. I want to talk to you about their concerns about the unintended consequences of delivery, which have led to a real dilution in the approach—I think that some of that came across this morning in the evidence.

I will give examples of the progress that is being widely celebrated. We have heard so much about good pieces of work, but I would like to ask how we know that work is good. How do we know that it is making an impact on the care-experienced

community? Earlier, someone mentioned easier wins, which we also need to address, along with, fundamentally, how the lack of engagement with the care-experienced community to track progress and impact has been felt by that community.

To answer your question directly—eventually—I would say that, if we are to start talking about what we need to prioritise in the Promise, we need to be really clear that Scotland agreed to keep it. We are now almost four years in. We have known about the issues that the care-experienced community faces since long before the independent care review in 2017. It is now 2023. We need to be in a position where we are not talking about what we prioritise as we move forward. We are very clear that we need to keep the Promise completely. If there needs to be a conversation about having to dilute some areas, that should be had with care-experienced people first and foremost.

Michelle Thomson: I will take that last point as being the most important. I know that other members will come in on many of the other areas that you have covered.

The Convener: Thank you, Michelle. Louise, many of your points will be addressed in other themes. I know that you were in the room during our earlier session, so you will have seen how the conversation there developed.

I want to ask what impact the whole family wellbeing fund has had so far. If it has been successful, how might that success be built on?

Louise Hunter: The oversight board says that "Plan 21-24" is failing and that it will not be kept. This morning, we have used a lot of words to describe being disappointed or concerned. That is because we are talking about people's lives here. People are not getting the support that they have demanded and have been promised for a long period.

There is a big issue around the data and evidence that are being collected. I do not think that the country knows—the sector certainly does not—what impact the whole family wellbeing fund is having. However, perhaps I could pick up a couple of areas where we have some indication of what is happening.

The first of those would be our data on advocacy. As I said, we represent around 1,600 children and young people in our advocacy work, because of the way that the contracts work. Some of that is done through the children's hearings system and some through local authority contracts. To put it crudely, the top five advocacy issues are the ones that people present to us on a daily basis; they have not changed. Actually, they have not changed since the Promise was set out almost four years ago, and they have not done so even going back long before that. We therefore

know that, from day to day, the majority of children and young people who we support are not feeling the impact of any of the investment that the Scottish Government has put in or that the sector is attempting. Although there might be good-news stories, we definitely have questions on how their impacts are being felt by the care-experienced community.

We also need to look at continuing care. I am sure that Claire Burns will mention that too, particularly CELCIS's excellent work on that subject. The legislation on continuing care came into force almost 10 years ago, so it massively predates the Promise. From speaking to our members this year, we know that two out of three care-experienced adults had a negative experience when they were leaving care. Across the summer, we heard from 200 care-experienced people. Some said that they had not been ready to leave care when it happened. Several factors contributed to that. They said that sometimes it happened too fast—literally overnight. Others said that once they had left care there was no safety net for them to rely on. For some, there were issues with statutory support services; others said that they just felt far too young.

From research done by Barnardo's in 2021, we know that the average age for young people in general to leave home is 23. However, research done by CELCIS has shown that care-experienced people are asked to leave care much earlier than that—between 16 and 18. One of our members gave a stark example of that over the summer when they told us, "One day, I was seen as an adult, when I had been seen as a child only a few days before." That is the impact of the cliff edge, which has been based on an arbitrary age cut-off point. The Scottish Government's published social work statistics for 2021-22 said that 49 per cent of children and young people who are currently eligible for aftercare—just over 4,000 of them—are not receiving it.

The committee heard from the previous panel about the impact of the siblings legislation. We heard that there is lots of great legislation behind that and that there are lots of really good intentions and good will; it sounds as if there has been a bit of investment, too. However, we do not have the detail to show that siblings are being kept together.

11:15

The Convener: Louise, everything that you say is really coming from the heart and is resonating with us, but I am just conscious of what we are trying to do.

Louise Hunter: Yes—of course.

The Convener: I ask the other panel members to comment on the successes that the whole family wellbeing fund may or may not have achieved. Does Nicola Killean want to go first?

Nicola Killean: I am happy to, and I will bring in a couple of positive examples that have been shared with me. I met a small group of young people, so they cannot be used to represent all care-experienced young people, but they said that they were definitely seeing positive shifts around a recognition of relationship-based practice, and there was positivity about culture change. Years ago, people were discouraged from maintaining relationships with previous carers or social workers, but people now see a focus on support and encouragement for that. The young people also talked about improvements in holistic recognition—for them to have all their rights developed, to thrive and to have support for their interests and hobbies.

Aberlour's intensive perinatal support service is a particular example of whole family support. It was established in April 2021 and is based in Falkirk. It supports pregnant women and new mothers who are affected by substance use and who have a baby who is under 12 months of age. The primary aim is to maximise opportunities for new babies to remain safely in their mother's care through facilitating recovery from problematic substance use and developing and enhancing parenting capacities.

Prior to referral, the women the service supports are at high risk of having their children taken into care. In the past two years, the service has supported 21 women and, of those, 17 have kept their babies in their care. The majority of women were referred to the service during pregnancy, so that offers a longer period for building relationships, treatment and care.

That is an excellent example that shows that, the earlier women receive support, the better the outcomes can be for them and their babies. However, I also chose to highlight that service because I wanted to flag the fact that, again, it comes from a third sector organisation. We need to make the third sector a key part of the strategic investment plan.

That is an example of excellent practice, but it has not yet rolled out across the country. The committee heard the earlier panel talk about the need to take such examples of good practice in whole family support and ensure that they are rolled out systematically. I hope that that is a helpful illustration that good work is happening, but we would like it to be more systematic.

The Convener: That is an excellent example. With another committee hat on, I visited the

Aberlour facility, and I agree with your comments about the impact on young people.

Claire Burns: I have experience of working alongside the Scottish Government, particularly on the whole family wellbeing fund. I have less knowledge of element 1, but I can imagine that what the previous panel talked about has happened. As part of element 1, money went to each local authority in each partnership. We have to understand the pressure to say how we will help everybody and every local authority. I understand that pressure. Some money will have gone to particular services and ways of working, but there is no doubt that some will have gone to trying to stabilise the system. Who can lay blame for that in a system where things are really difficult and dire?

I have much more experience of element 2. I recognise that the Scottish Government did something quite bold and brave in saying that it was going to work with a few local authorities and their partners, put a change team around that and build capacity. That has not been straightforward, but the Scottish Government was following the evidence on that. The committee heard Mike Burns talk about capacity, capacity, capacity. The issue is having skilled people and change methodologies that can help local areas to think through the first change that they want to make. That involves saying, "We understand that you are managing huge operational demands and, at the same time, we're trying to keep your focus on a massive change," which needs the skilled capacity of people who come in to facilitate change and help areas to think through what the evidence says about the what and the why.

That has been challenging, but it has really helped us, the Scottish Government and local areas to focus on what this is going to take. How are we working with leaders to get agreement and consensus about where we want to intervene in the system? That feeds right back into the Scottish Government on some of the things that are getting in the way. That includes the amounts of data, recording and reports that we are being asked for. We are learning about the things that are putting additional demand on the system, and we can begin to think about how to take that demand out.

There are some really positive elements, but I appreciate that, when money goes into local authorities, it may be used in different ways, and it might not always be focused down. As I said previously, and as I know Fraser McKinlay agrees, we need to start engaging with directors of finance, procurement and commissioning, as they are as critical to the transformation as heads of social work and education. They hold the levers and some of the powers, so they need to be at the table alongside us.

The Convener: That evidence reflects what we heard from the previous panel. It is great to have that reinforced.

Pam Duncan-Glancy: Good morning to the panel—I think it is still morning. Thanks again for the information that you have shared so far and for what you have sent in advance.

The oversight board says that delivering the original aims of "Plan 21-24" is no longer realistic within the timeframe. Louise, you started to set out the impact that that is having on young people and care-experienced people, noting that the issues have been known about for some time. What is your assessment of whether that is a true reflection and of why that is the case?

Louise Hunter: You are, of course, right that the oversight board has set that out. It has clearly said that it does not expect the plan to be upheld in full. There are probably a number of reasons for that. The biggest situation is that we do not actually know—there is not a lot of data or evidence. The oversight board states that it is very difficult to know where there is real progress.

One of the mandates that I have today is to share information from care-experienced people directly. They feel completely excluded from the process. The care review set the bar for how to engage and how to ensure that care-experienced people have a voice in the process. If anything, their engagement in the four years since the care review has been quite patchy and inconsistent. During this morning's earlier evidence session, we heard quite a lot about the system and the sector and the fact that things are really challenging. Fortunately, towards the end of the session, we started to hear sense being spoken in that we can only really measure impact if we speak to people who are affected directly. That is really important for us.

Without wanting to go off on a huge tangent, I wish to highlight some of the challenges. We have heard lots of good-news stories, but our members are telling us that, in the attempt to keep some of the ambitions and aspirations that are set out in "Plan 21-24", there has been a dangerous dilution. Members of this morning's previous panel were speaking about restraint and the fact that "The Promise", which was published in February 2020, specifically says:

"Scotland must strive to become a nation that does not restrain its children."

That seems really clear to all of us, but "Plan 21-24", which was launched only a year later, waters that down significantly. It says:

"Restraint will always be pain free, will be used rarely, and only when required to keep a child safe."

To our members, that does not sound like we are striving to become a nation that does not restrain our children. In fact, it sounds like we are admitting defeat.

We heard representatives of the Care Inspectorate talking earlier about how we measure restraint. It is really encouraging to hear that the Care Inspectorate is doing some work on that. There is a note of caution there, too. It seems like we are starting to dilute things. As we heard from Mike Burns, in particular, certain local authorities are taking an approach of “Let’s not restrain.” However, we do not know what the position is in other local authorities. Returning to the point about dilution, we know that terms of restraint are being called “safe holding” now. There are lots of concerns about that.

To answer the question directly, I do not know that the oversight board of the Promise knows which particular elements of the plan are being kept or not. There is a real data gap in Scotland. I will always come back to the point that no one has sat down and asked people from the care-experienced community.

Pam Duncan-Glancy: That is really helpful. Nicola and Claire, what are your reflections on that? Why do you think that it is now unrealistic that the Promise will be met as set out in “Plan 21-24”?

Nicola Killean: I agree with the oversight board’s report that it is not realistic. As Louise Hunter said, we are hearing from the care-experienced community that they are not feeling that progress. However, I believe that the current 2030 targets are still achievable—they must be achievable. A refresh is needed in sustaining ambition, as well as in leadership, and in commitment to children and young people.

I do not want to repeat myself too much, but there is an absolute need for clarity of leadership across the Scottish Government and local government, with the third sector embedded in that. There needs to be clarity about the Promise being outcome focused and based on what children and young people are already saying about what change looks and feels like for them. There needs to be a clear strategic investment plan aligned to that, and there needs to be a clear accountability process that includes children and young people.

The oversight board’s recommendations echo the recommendations of the United Nations Committee on the Rights of the Child. They call on the state—which means both the United Kingdom and Scotland—to implement a tracking system for the allocation, use and monitoring of resources for children. It was encouraging to hear what Fraser McKinlay said this morning about a framework

being developed for methodology around investment. We look forward to seeing more of that in due course.

Pam Duncan-Glancy: One of the outcomes outlined in the Promise is that there will be coherent and cohesive action that is compliant with the UNCRC. Do you think that that is happening already?

Nicola Killean: There is a real need for everything to be aligned—we heard earlier about changes in the law and in policy and practice. We are moving in the right direction, but it has to be lined up. As we have already heard this morning, we must have support for the workforce. I fundamentally believe that it can and should be done.

Pam Duncan-Glancy: Claire, do you have anything to add?

Claire Burns: To start off, we have just done a massive workforce survey as part of the children’s services reform research, and what comes through really clearly is the workforce’s commitment to the Promise. They are comprehensively in support of it. However, there is real concern—I hear frustration, but I think that angst would be a better word—about the fact that the current context does not allow them to practise in the way that they want to practise. They feel that they are letting children, young people and families down—that comes through really clearly. The commitment and passion are there but—

Pam Duncan-Glancy: What is it about their current practice that they feel is restraining them?

Claire Burns: It is the lack of investment. Staff feel that, when they have such limited resources, they can reach only the top of their priorities and statutory responsibilities.

Staff are asking about children who have had one, two, three or four social workers and how that relates to relationship-based practice. Staff would like to support children at an earlier stage and for there to be more resources in the community. Often, we have to wait until families are saying that they are at crisis point before we can intervene, and the workforce recognises that. There is much more that they would like to do for families at an earlier stage. That sense of letting families down is bearing really heavily on staff at the moment.

We heard really clearly from Fraser McKinlay and others this morning that part of the context of not meeting the Promise is Covid. It is about what is happening with our workforces. We are right not to expect our workforces to be able to meet operational demands and do a massive transformational programme. At our current level, our workforces cannot do both of those things.

However, I probably have a different view from Fraser McKinlay on that.

Another issue is our approach to change. Throughout Scotland, we are still not following the evidence on what this is going to take. We still want to believe that training alone, getting things into legislation or even funding will bring us to the aspirations of the Promise, but they will not. One of the aspirations of the Promise is to have high-quality, consistent practice across Scotland. It is going to take something more; it is going to take a massive change from what has happened before. It will be a shift—it will not be a continuation of our approach in the past. As Mike Burns said, it will take capacity, and that means people and money.

Again, I urge some caution. There can, at times, be a sense that the money is in the system. In some ways, that is right—Mike Burns talked about the figures in Glasgow, where they realised that what they were spending on care was massive in comparison with what they were spending on prevention. That tells us something, and it motivates us. But getting the money out of the system requires money, and it also requires people. It is not just there for us to go in and get.

11:30

As Louise Hunter said, these are people—we are talking about children in foster placements. We need to ask how we are getting the money that will help us to manage the operational responsibilities and to build the new system as well.

We will not meet our aims if our approach to change and to investment does not change significantly.

The Convener: Thank you for those responses.

I call Ross Greer.

Ross Greer: I will start with Louise Hunter. I am interested to know how you would characterise the Scottish Government's overall response to *Who Cares? Scotland's "Paving the Way"* report. Do you feel that the Government really grasped what was being said?

Louise Hunter: It was really helpful to have a Scottish Government representative attend the "Paving the Way" session, which included just under 50 care-experienced members of *Who Cares? Scotland*. At the end of that process, our members gave us a number of questions to put to the Scottish Government, including, "Who is ultimately accountable?" and "How will we know?"

One of the care-experienced community's biggest concerns is about the number of plans. We hear that across the sector—we have plans upon plans. There is a plan that was developed on

the day that the Promise was launched, and we had another one that followed a year later.

We then had the change programme only a few months later, which was due to be updated annually but has not been updated in two years. The "Paving the Way" session was an attempt by us to bring together the care community and say, "How are you finding all this? What are you feeling on the ground? What is happening? What is changing in your lives?"

Our members wanted to know directly the answers to some questions. First, what is the Promise? Secondly, where is the accountability, and who is ultimately being held to account around this? Thirdly, our members were asking, "How do we know what to measure, and how are we being involved in that process? Who is going to ask us, when are they going to ask us, and what data are they going to track to check that that is happening?"

They also wanted to know a lot about whether the lifelong aspect was going to be considered. As the Promise makes clear, you do not leave care and care does not leave you: the impact of care is lifelong. Nonetheless, we all fall into the trap, particularly in this sector, of talking only about children and young people.

On behalf of our members, we set out several asks for the Scottish Government in the "Paving the Way" report. That was nearly 18 months ago and we have still not received a response from the Scottish Government to those questions.

Ross Greer: That is concerning, but it is good to put that on the record, and the committee will be able to raise it with the Government.

I presume that you have had engagement from the Government in other spaces over the past 18 months—there has not been zero engagement. As much as it is critical that you get a response to that report, I just want to check that the Government has engaged with you in other contexts.

Louise Hunter: It has engaged. *Who Cares? Scotland* has a place in bringing forward the voice of care-experienced people, as part of the Promise collective, albeit that that group has not met for a while. We have had meetings with the Minister for Children, Young People and Keeping the Promise, in particular around siblings, and we have met the First Minister, who has attended some events with us.

For us, when we talk about there being a lot of plans, one of the biggest issues is that—as I have already said—we have not drilled down into the detail. Scotland has made very bold statements about what is needed to keep the Promise, but it does not really go into the detail. What is the

blueprint, or the road map, for that? How are we going to measure progress?

As I said, care-experienced people want the opportunity to have their voices heard. That is not just about people having had their voices heard four or five years ago during an independent care review, most of whom have now aged out of the system.

Care-experienced people want to be able to speak regularly to the Scottish Government and Scottish ministers to let them know how they are feeling. One of our asks of the committee today is to see some kind of clarification of what that will look like in the future. Where is the annual check-in with care-experienced people to find out how life is for them?

Ross Greer: That is absolutely something that we can and will raise—I will certainly raise it—with the minister.

I just want to check something. In the meetings that you have had with the minister and with the First Minister, have they given you any indication that there will be a full response to the “Paving the Way” report coming on their part, or do they consider events since then to have somewhat superseded it?

Louise Hunter: We have raised that question on a number of occasions and we have not received a response on that.

Ross Greer: Again, we can raise that, so it is really useful to put it on the record.

The Convener: Ross, before you move on, can I bring in Ben Macpherson with a supplementary question on that?

Ross Greer: Yes, absolutely.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Louise Hunter, we have spoken about collaboration and engagement and about ensuring that the voices of those who are involved and affected are being considered. Are there any current models of practice that the Government could learn from, consider or implement? Might lessons be drawn from the experience panels that have been used by Social Security Scotland?

Louise Hunter: Participation is actually really hard. It is easy if you do it wrong, if that is a reasonable way to say that. We have seen lots of attempts at participation in the past few years, with a group of quite homogeneous people being brought together for various reasons to represent a larger and wider group of people. That causes challenges because you probably keep getting the same responses. We have seen care-experienced people being asked the same questions as they were asked during the independent care review, and some of that has felt quite tokenistic. Some

participation has been restricted to people who feel able to come to meetings and share their experiences.

It has taken Who Cares? Scotland a long time to be able to get participation right. It stems from relationships. You must be able to have relationships with children, young people and adults. We can do that because we are in their lives: we provide independent advocacy, we create fun connection events, we give a sense of belonging by creating opportunities such as summer camps and we offer lots of other ways to come together so that people feel that we are there for them.

Of course, I advocate the Who Cares? Scotland model of participation. We do not set it up to hear what we want to hear from care-experienced people; we are genuinely asking. There is more to it than just consulting, because there is the danger that we end up in a perpetual cycle of consulting. Although it is important to keep checking in, we need to go beyond that.

We talk a lot about co-design. The majority of our members have views about how services should be run but are probably not going to get involved in conversations about which piece of legislation should lead on that, or about funding models or who should deliver something. They just want to see their brothers and sisters or to make sure that they get support into adulthood. Co-design should be created carefully. Most importantly, people have a view on what is happening in their lives, but we know that they are not being asked about that.

Participation should be relationship based and led by an organisation that has those relationships, so that we get the widest possible representation from the care community. That should come from the length and breadth of Scotland and from across lots of different ages, care backgrounds and experiences. Also, we must not just ask people to repeat what we know already. It should be about how we can move forward. It is not about how care-experienced people can change the system, because that is not their responsibility; it is about how efforts to change the system will directly impact them.

Ross Greer: My question follows on quite neatly from Ben McPherson’s question about consultation, co-design and engagement. As you said, not everyone in the care community will want to engage at a national level on questions of policy and legislation, but we are looking for examples of good practice. Can we draw on the practice of any local authorities or other public bodies that are engaging within their sphere and remit and doing it well?

Louise Hunter: There are lots of stories about situations where that is happening. We know that most local authorities have something called a “champions board” or something similar—sometimes it has been called a “Promise delivery board”. There are lots of different ways to say it, but those boards tend to bring together children and young people, usually in quite small groups.

There are some areas where those young people can feel that they have driven a lot of change in the local authority, but we should sound a note of caution about what we would call the small wins. I was quite encouraged to hear the unintended consequences being highlighted by the first panel. People can try really hard to run towards transformational change but can end up being able to pick only the low-hanging fruit and delivering things that children and young people might ask for in the context of a local authority group but that might not be the triggers for transformational change.

We have seen some examples of that, particularly in the work on the children’s hearings system. We have known for decades that the children’s hearings system is not quite fit for purpose. That is no surprise to anyone. Children, young people and lots of other organisations have told us that it feels adversarial and that they do not know who is in the room. They want access to their rights. The vast majority of children and young people do not have access to independent advocacy. We heard this morning that they are not sure whether they have rights to see their siblings. They are asking for all those things. According to a paper that I have seen, they are told that those things will be offered where possible. Those are not the strong words and commitment that we want to hear. That “where possible” is a bit concerning. However, what is most concerning is that there are lots of pilots. We know that everything has to start somewhere but, again, it is not news to anyone in this room that those things have needed to change. We are four years down the line and are still piloting things in really small areas.

I will give a couple of examples. Young people have been asking for transformational change in the children’s hearings system, but what they have been told about—and are even being led to celebrate as success—are things such as the children’s reporter changing the decor in a children’s hearing room. On its own, that is problematic; as part of wider transformational change, it is to be encouraged.

We have seen children and young people celebrating the children’s hearings system’s publication of what was described to me by children and young people as a self-care scrapbook—a book to help them to guide

themselves through the children’s hearings system. Again, in isolation, that is problematic. As part of systematic change, it would be fine and not an issue. However, the transformational change is not happening behind that. Only 10 per cent of children and young people who go through the hearings system get independent advocacy. They might be able to jot down how they feel about that, but they do not fully know their rights or have the ability to navigate the difficult world that is the hearings system.

Those are examples of participation being well meaning but the outcome being the celebration of small wins, and young people are even being encouraged to think that that is the transformational change that it is not.

The Convener: There is a lot to unpick in that, but I will bring in Nicola Killean, who also wants to respond to the question.

Nicola Killean: I just want to reinforce something that was said earlier. There are great examples of participation work and a culture shift across the country in how we understand that. However, I do not believe that we need more participation to answer what young people are asking, which is, “Who is accountable for this? Can you tell us, so that when it is not being delivered, we know whom to speak to? Is it at local government level or at Scottish Government level? What does that look like within my authority area?” It comes back to the detail that is needed now, and an effective communication strategy, to make sure that children and young people understand where things are at, whom they can talk to about them and whom they can hold to account.

Ross Greer: Thanks very much.

The Convener: Claire Burns, do you want to come in briefly with anything further on that?

Claire Burns: No; I think that that is enough.

The Convener: That is helpful.

We move to questions from Stephanie Callaghan.

Stephanie Callaghan: It is still not afternoon, so good morning to the panel. Our schools, colleges and universities have a unique opportunity to provide support and consistency. They have the time that care-experienced young people need to realise their full potential. I am interested in what assessments your organisations have made of progress in schools and education towards realising the Promise.

Claire Burns: I will focus on schools. CELCIS has been part of the virtual school headteacher initiative that is in the oversight board report, and there are some successes in that. Just in case people do not know, that initiative involves a

headteacher who is not in a school but who has the same functions and responsibility for children and young people in their area who are looked after or looked after and accommodated. It involves a razor-sharp focus on advocating for those young people. We are seeing some progress on that, and it is making a significant contribution.

Can we go to other colleagues first? I will then come back in, because what they say will spark off for me.

Nicola Killean: I am happy to add some of the work that the commissioner's office has been involved in, which is about looking at the consistency of the commitment to mental health support for young people in schools. You will see in the oversight board report that that is progress. The Scottish Government has made a commitment that all children and young people in secondary school will be able to access that. However, we have also heard that young people are not finding that consistent across the country—a lack of consistency has been quite a theme in a lot of our findings. We were able to use the commissioner's investigative powers and enable young people to lead that investigation.

We are not a scrutiny body, particularly in relation to the delivery of the Promise, but there are key changes, reforms and improvements that are happening. When we have heard concerns raised by children and young people, we have been able to investigate or work alongside partners or campaigners in the sector to be able to highlight them. Again, we have made a number of recommendations to the Scottish Government about how the situation can be better assessed in an on-going way to ensure that there is consistency and how children who are younger can access mental health support in primary schools more consistently. We are still waiting for a response on that.

11:45

Louise Hunter: I probably do not need to reiterate what you have heard about school exclusions. We have heard stories about small pockets of change, which is encouraging.

I want to highlight a couple of things around education. In some of the evidence that you heard this morning, there was a suggestion—probably unintended—that exclusions are related to the behaviour of children and young people in class. Actually, a lot of the exclusions that we hear about directly are not because of the behaviour but are, effectively, because of the system tripping over itself. Young people who attend hearings or meetings with social work are being removed from school for a day or half a day to suit the working

patterns of professionals. That informal exclusion might not be classed as such by the educational establishment, but it is a real concern for us that children and young people are missing out on large elements of school.

I also want to highlight something about stigma, which has not really been touched on. It is certainly contained in the Promise, and it is prevalent in some of the challenges that we are seeing in education. Children and young people who are care experienced invariably feel that something is a bit different for them. That can happen in a lot of different ways. It might happen because they are being picked up or dropped off by a taxi that has the livery of the local authority on it, for example. Such things might make it quite obvious that their lives are a little bit different to the lives of some of their peers. That is a challenge, but it is less of a challenge if the people in the school community in its entirety—I am not just talking about teachers but all the support staff—understand care experience and think about things as simple as changing their language, so that they are not always just talking about mum and dad or parents. If people really understand what care is, we are much more likely to create the conditions for care-experienced people to feel a sense of belonging in their school community and, ultimately, to thrive while they are at school.

Claire Burns: My brain has just got back into gear. I could—

Stephanie Callaghan: I will bring you in in a minute, but I want to stay with Louise Hunter for my next question.

You have spoken about the need to have good relationships with young people so that they feel that they are understood, and that that is the best way of recognising and accommodating the things that matter to them. To what extent do you feel that education is taking into account the views of care-experienced young people, and does there need to be a process whereby all young people in school get the opportunity to provide feedback on their experience?

Louise Hunter: I do not know that schools consistently get feedback from care-experienced people. Again, as you heard this morning, there are pockets of success around the country where schools are really championing what they are doing with care-experienced people. For the past five or six years, Who Cares? Scotland has run a programme within schools—in only small pockets of areas, due to funding—in which we make a school care aware, which involves spending a bit of time helping educational and support teams to understand what care is. It has been quite staggering to hear that a lot of people in schools do not know what care experience is, so they do not understand the full breadth of what we are

talking about. They do not quite understand some of the basics of what we mean when we talk about care experience. There is often still a perception that young people are care experienced because of something that they have done. That view is prevalent in society in general, but it is also still prevalent in a lot of our sector. In fact, a study showed that some of the most stigmatising and discriminating characters in the system are actually within our sector.

When we work with a school, we get to a stage when people become much more aware of what care experience is and start to think about what they can do to fully involve care-experienced children and young people in how the school environment works. Ultimately, they will start to make changes themselves. These things do not happen overnight: it takes quite a bit of work to get a school to go on that journey, but it is incredibly important.

The most important thing to share is the feedback from the children and young people in the school who are care experienced. Initially, it can feel daunting to someone if their class or their teachers are going to find out about their care. A number of care-experienced people in every school have not even known that they were care experienced. When I first heard that, I wondered what that actually means for somebody. Are they having a revelation, on a particular day, that they are care experienced? Actually, they are, and a huge amount of support goes into that. That care tends to have involved informal kinship, adoption and other different forms of care. That means that the person is entitled to a huge amount more. As they come to the realisation that they are care experienced and start to understand why things have felt a bit different for them, we are able to put a support package around them. We know that the impact has been very positive, but only in small pockets.

Stephanie Callaghan: Thanks, Louise. That is really helpful.

I invite Claire Burns to come back in. Claire and Louise, please both feel free to answer on the point about getting the views of young people.

Claire Burns: Apart from the virtual school headteacher work, we have an education team at CELCIS. We have been saying to further education institutions and universities that, although the measures that they have been putting in place for widening access and for care leavers might be well intentioned, they are still not flexible enough, so additional funding can be sought. That has needed confirmation of a particular level of attendance, and, when attendance fell just below that level, the funding was lost. We have been advocating to say that we need to be a bit more flexible, despite the things

that have been put in place. We need to understand the circumstances. We have worked with universities, particularly during Covid, when they had young people living in their accommodation who were not going back to a family. Loads of people went home, but it was a matter of getting universities to understand that there were people in their accommodation who did not have families to go back to and to support them, and asking them how they were going to respond to that.

There was one care leaver, for example, who had been a social worker and then went back and did a law degree. She mentioned loads of things that would have applied if she was under 26, but she was 27 and did not have a family to support her. We are working with the FE sector and universities, saying that, however much flexibility institutions think they are putting into the system, we need them to flex a bit more to respond to care leavers in a lifelong way.

The Convener: There are a lot of nodding heads among the young people in the public gallery in response to some of the comments that we are hearing. Thank you very much for your responses.

Ruth Maguire: I wish to ask about siblings. It is not unique to this area that we have some pretty strong legislation and policy, but there is a gap in what people experience, or an implementation gap. We heard this morning about practical and cultural issues that might be preventing siblings from being placed together, so I would be interested to hear the reflections of panel members on that, with a view to understanding what needs to change to ensure that we can keep siblings together. Earlier this morning, a figure of 25 per cent was quoted for the number of siblings being separated, which will be quite shocking to committee members.

I would like to hear from Louise Hunter specifically about engagement with the minister. What discussions have you had following the brothers and sisters project work? I would be interested in hearing how the Government has responded to that.

That was a jumble of questions, but if you are happy to go with that, it would be helpful to hear your responses.

The Convener: Does Nicola Killean want to come in first, and then Louise Hunter?

Nicola Killean: I will hand over to Louise, because she will have a lot to add on that. First, I highlight that we need to do more to ensure that as many children and young people as possible understand what their rights are. Even last week, I was hearing confusion about that from some young people I met, so it is important that we

consistently and persistently continue to support our young people to understand those rights.

Louise Hunter: Yes, exactly—to follow on from what Nicola said, it is about young people knowing their rights. That came across loud and clear this morning. Quite a lot of care-experienced people do not know that they have the right to see siblings or even what the definition is, or how that can impact their life.

It is worth being aware—to go back to this statistic—that the current financial and operational model of independent advocacy in the children's hearings system is based on only 10 per cent of the children and young people in the system accessing it. That means that 90 per cent—I am sure that everyone can do the maths—of children and young people who are going through the children's hearings system do not have access to independent advocacy.

Children and young people may not know, at that point, what their rights are, despite opportunities for us to redesign leaflets, and a lot of other ways in which we try to tell them. People may not feel empowered to share things in the room, in particular if they have already told the system, through a lot of consultations and committees, and they do not know who is in the room. The process may feel quite jaggy and adversarial. They may not feel that they have a right to be there, and sometimes they do not go because they are scared of being part of a children's hearing. I impress on the committee the need for real, tangible, independent advocacy.

I cannot give you any answers today about what the barriers are or how we can overcome them. We know what the barriers are—they tend to be financial, but there are also some cultural barriers. I highlight that it is very difficult for us, as advocacy workers and advocacy providers, to sit down and explain to a child, "You can't see your brother because there's no money," or because they are in a different foster care home that is not allowed to have more than a certain number of children. We need to think—as I am sure that the committee does—about the real-life impact of that. It is not just a case of saying, "It's a shame that X number of children can't get to see their siblings." It is having a real impact on people's lives. We know that family is so important.

Ruth Maguire: Just then, you spoke about producing a leaflet to describe to a child or a young person what their rights are. I cannot imagine many situations where that is enough, but I am thinking in particular of when a young person is going through a time of crisis in the children's hearings system. Most adults would be hard-pressed to pick up a leaflet.

Louise Hunter: They absolutely have their place, and as much information as possible is out there. However, we seem to skirt round, or the sector skirts round, the issue of independent advocacy.

The beauty of independent advocacy is that it is independent, so it is not someone who works in the sector—it is incredibly important to be clear about that. An independent advocate is someone who can sit down with the child or young person and really explain what their rights are. They are the only person in the room, or in the process, who is there purely to hear and convey what that young person wants. We know that social work has to be there to represent the best interests of the child, but sometimes that can be different from what the child wants, and that is why independent advocacy is there.

We have a lot of good intentions around creating child-friendly, colourful leaflets. They have their place, but nothing replaces an adult who is independent sitting with a child to explain what all of that means in reality.

Ruth Maguire: I will come back to you, Louise, but first I wonder whether other panel members have any reflections. The financial and resource restraints are obvious, but what are the cultural barriers that are preventing our children's rights from being enabled in terms of being with their siblings?

Claire Burns: I want to follow up on some of the things that Louise Hunter said. As CELCIS, we would say—and, as someone who has worked in the sector, I would say—that sibling contact is absolutely critical. I hear social workers and social work leaders reflect most often on decisions that they have made during their careers about not keeping siblings together and not keeping that contact. We are understanding more and more about the lifelong impact that that has. There is a real recognition in the sector that that is important.

Louise Hunter is absolutely right to mention independent advocacy. One thing that independent advocacy can do is slow the system down in order to say, "Let's really think about the decision." The system is working at such a pace and independent advocacy can slow it down to enable people to think about asking those questions.

Some of the barriers to keeping children with their siblings are financial. In addition, as I am sure that everybody would recognise, it may not always be safe to keep them together. That should be in the minimum number of cases and there should be an assessment of how it could be done safely, but we need to keep that in mind.

12:00

I am glad that Kevin Mitchell has left—I hope that he has left—because this is an example of how parts of the system work against each other at times. We have talked about how we can raise the number of children that foster carers can take, to ensure that we can accommodate sibling groups. At the same time, we have been talking about how to reduce the numbers in residential care—to four, in some cases. The motivation for having smaller units is good. However, at the same time as the system is thinking about how to increase the numbers in foster care, we are thinking about how we decrease them in residential care, which might have consequences for sibling groups who are going into residential care. The issue is financial but it is also cultural. We need to think about the question holistically.

Ruth Maguire: Does Nicola Killean wish to comment?

Nicola Killean: I have nothing to add.

Ruth Maguire: I will go back to Louise Hunter. We have spoken about accountability, and I suppose that the ultimate accountability for legislation lies with the Scottish ministers. On this topic, what interaction have you or Who Cares? Scotland had with ministers?

Louise Hunter: More than a year ago, we were pleased that the Scottish Government contacted us when it was reviewing the guidance on siblings legislation. We were brought in to design participation with children and young people. I do not want to blow our own trumpet at Who Cares? Scotland, but a question was asked about what good participation is—it happens when organisations such as ours design it and we are not told by the Scottish Government or local authorities what to ask children and young people.

That felt like a really good opportunity to work with a broad range of care-experienced children and young people who had live issues—positive and negative—around access to their siblings. We did a huge piece of work, which we fed back to the Scottish Government, and I believe that that made its way into the Government's final report on how to improve guidance.

We asked for a meeting with the Minister for Children, Young People and Keeping the Promise—although a year ago, the title was just the Minister for Children and Young People—which took almost a year to happen. At the end of September, we had a session in which some of the young people travelled from far and wide to meet the minister. We had an interactive session in which they shared their experiences. We split that into two parts so that the minister could hear from older young people and from children and get a broad mix of understanding. At the end, she

briefly shared her reflections. We heard that the session had brought the issue back to her attention and that it had become quite live for her again, and she restated her commitment to making a change.

Ruth Maguire: Thank you. That is helpful.

The Convener: Super stuff.

Willie Rennie: Louise, I had direct experience through constituency casework of Who Cares? Scotland, which did a brilliant job. What you did was exceptional.

You probably heard the earlier interaction about the 10 per cent increase in homelessness. Do you have direct examples in relation to that? What needs to be done to fix that? I do not know who would like to go first.

Louise Hunter: I am happy to speak again. Unfortunately, I do not have lots of stats to tell you how many of our members have experienced homelessness but, in the past week alone, we have been approached by two young people who are still in care and have been made homeless. I do not diminish how deeply concerning it is that that is still happening in this day and age.

A lot of this is caught up in the failure to fully implement the continuing care legislation. As with the siblings situation, we have robust legislation, but the legislation has flaws in relation to the right for young people to change their mind. Claire Burns can probably speak to that in much greater technical detail than I can.

I will flag something that the committee might not be aware of. As an independent advocacy provider, we represent only the views of the children and young people, and we are sometimes asked to advocate for someone to come off their supervision order, which would mean that at a certain stage they would not be entitled to continuing care. That can be a bit of a moral challenge for us, because it might not be the best thing for the child or young person, as they would not be entitled to continuing care support. However, the true nature of advocacy means sharing the child's view.

Over the past 10 to 15 years, we have learned that people make that request because of stigma. If we all think back to when we were 16, we know that 16-year-olds sometimes make decisions that they might live to regret a bit 30 years later. There does not always appear to be an opportunity for a young person to say that a bit of independence and living on their own is not what they thought that it would be and that they need to go back to the previous situation. That is not how the current system works.

I cannot shed any great light on what is happening in the homelessness system, but I point

out that it is never a shock that children will leave care. We would argue that people never really leave care—it should be there with them forever—but that is never a shock. To find out that some care-experienced children and young people are going out there on their own and that, as Mr Rennie pointed out earlier, we are regressing in this matter is a real concern. No care-experienced child or young person should be in homeless accommodation.

Nicola Killean: The committee might be aware that my office recently published a report on the use of hotel-style accommodation. It includes a wealth of information and evidence about such accommodation being used for not only asylum seekers or refugees, but homeless young people from Scotland, and concerns about the use of inappropriate accommodation for those young people.

As for solutions, last week I heard a really positive report. A young person was talking about the throughcare and continued support that they were receiving to enable them to live independently. The focus should be on continuous care and seeing the young person as a whole. We should provide support for independence that is based on their whole personality and what they need to allow them not to feel lonely and to know that they have a range of continuing support around them. Young people continue to express to me their concern about support being taken away when they turn 25. We absolutely must increase our efforts to tackle poverty and the underlying causes of families, children and young people ending up in really challenging situations.

Claire Burns: I do not have the positive stories that Nicola Killean has, having seen the evidence that came out of our work on the reform of children's services. As I have said, the issue of housing and homelessness is one of the persistent long-standing weaknesses in the service. We would all recognise that problems have been caused by an accumulation of those weaknesses and gaps. We have massive issues around access to specialist health services, and, in particular, mental health services, which influence levels of homelessness. The levels of poverty among care leavers are also important. We must consider access to support for children with additional support needs, who are the ones who will be most vulnerable to housing issues and homelessness. Our support for young people to transition to adult services needs to be strengthened, too.

I come back to a point that members here will be aware of. When care leavers leave the system for a period—Louise Hunter talked about this—anyone who tries to get back into any health or social work system will find that it is impenetrable. It feels as though everything is against you trying

to get to the person that you need to talk to. Many of us around the table will have tried to get services for our own families, and we are people who have resources and experience. I really worry about what it is like for an individual young care leaver who is trying to get back into a service such as mental health support. The system is impenetrable, so we must ask how we can make access to services much easier. It is an indication of how much pressure is on the sector and the system that it makes folk work really hard to get back into it.

The Convener: Claire Burns's comment resonates with the work of the Health, Social Care and Sport Committee on mental health services for young people and the evidence that we took regarding getting throughcare, so there is some cross-committee work there.

I want to ask about something that is not an easy subject, which is the tragic cases of early deaths in the care-experienced community. Ruth Maguire brought that up in our discussion with the previous panel. It might seem a little bit brutal to ask about it, but I wonder whether you can bring a bit more sense to that, Louise, and what your thoughts are on what we might want to see happening to change those statistics.

Louise Hunter: Of course. You are right that it is really hard to discuss that subject. Who Cares? Scotland has focused on it, in the background, for a number of years. We have become aware that, unfortunately, there is a premature death rate among care-experienced people.

I want to be careful because, although that is awful, I do not want to make it sound as though that is the eventual outcome for everybody who is care experienced—that is not the case. Some of the challenges around that are about the fact that the sector does not really provide any support on a lifelong basis.

I made the point earlier that the Promise was clear that the impact of care on people lasts for a huge amount of time. Some people get on with their lives and will never need independent advocacy or Who Cares? Scotland again. They will absolutely go on to thrive and be brilliant members of our community. However, other people might need to access different supports. We know that because we have an independent advocacy helpline, which was set up mid-pandemic. It is funded by the Scottish Government and is open to anybody who is care experienced, but it is most notably used by care-experienced adults who are around 26-plus. That is no coincidence, given that support tends to stop at 26, if you are lucky, but probably earlier than that.

We have had something like 3,500 calls since the start of the pandemic, from people who are in

real crisis and who really need advocacy support and a bit of signposting. They do not have anyone else. There are other helplines out there, but they come to us because the barrier of worrying about whether the person who answers the phone knows what care experience is or will judge them is gone. We have done lots of participation and engagement over the past number of years around care-experienced adults, particularly care-experienced people who become parents or care-experienced adults who are trying to access mental health services. The golden thread through all of that is stigma. A care-experienced adult who falls pregnant might not necessarily want to tell their health visitor that they are pregnant, in case the health visitor thinks, “You are care experienced; we are going to need to watch you,” or someone might not want to ask for mental health support, because they are worried that people will not understand what care is. There is a lot of that.

Without generalising, we are talking about a demographic who feel isolated and who will experience trauma in different ways. Due to the redress scheme, we hear that a lot about people who are thinking about accessing their care records. It might be decades after you officially leave care that you are even able to start contemplating looking at your care records. If you do, it can be really traumatic, because so much can be redacted and you might learn things about your life that you did not quite know, because things might be written about you.

There are lots of issues that lead to care-experienced people probably being overrepresented in some of those earlier death statistics. However, we do not know for sure. There is a real piece of work to be done around that. It is not okay to just say that we do not know anymore; we need to know. We need to track what is happening to care-experienced adults when they leave care and, most important, make sure that they have a support network around them.

The Convener: Thank you, Louise. Nicola, do you want to come in on that?

Nicola Killean: I do not have much more to add, but as Louise Hunter said, we have to understand why.

The Convener: Thank you for that, and thank you, Louise, for handling that so sensitively.

I will bring in Liam Kerr now.

Liam Kerr: I have one quick question for Claire Burns on something that she brought up earlier. Claire, you mentioned local authorities several times. The Improvement Service published a report in February this year about how local authorities are delivering on the Promise, and it was something of a mixed bag. It suggested that

there were issues around where delivery sits, the monitoring of progress—it was suggested that that is perhaps often driven by external considerations rather than by children and families—and with funding, especially around timescales.

Will you help the committee to understand why that is still the situation at local authorities? Who needs to step up and what can meaningfully be done?

Claire Burns: Again, it is probably a combination of a number of things that you have heard about today. Local authorities are being asked to implement a massive transformational change agenda with the poorest conditions that we have had. It would be a massive challenge anyway, but there are also the conditions around workforces and the lack of investment, and we must take into account that we have had years and years of public sector cuts.

We have a real tension and contradiction in our system, because the very things that will help us to meet the Promise—early help, support for universal services and family support—are the ones that have been eroded from our system. We are almost starting again with building up those functions and services at a time when we do not have the money. Through our survey, we have been hearing again that the sure start programme is needed but, actually, we had sure start and we lost the funding for it, so we are starting from that point.

12:15

In answer to Liam Kerr’s question about what can be done, we need to get in and around leaders at a local level, to build their buy-in for—and consensus around—the Promise and build their understanding of what is happening locally. That includes how they connect with front-line staff and children and families to hear what is going well. There are usually strengths and things that are going well, so it is about how we build on them. Those leaders need to hear about where it is really difficult to get services. We also need to help them think about where to intervene. We often underestimate the fact that the Promise means building new functions, services and systems, which will take money, time and investment. However, the real foundational piece that we need to get right is to build those strategic leaders’ buy-in, consensus and alignment on the Promise and make sure that individual leaders—for example, in finance and health—know what it will mean for them.

Liam Kerr: I understand that.

Bill Kidd: There have been very interesting responses to what has been asked so far.

As you will have heard, I asked pretty much the same question to the previous panel. What is the impact of recruitment and retention issues in the social work workforce on care-experienced people? Can you show us any signs of how that has manifested itself?

Louise Hunter: I cannot talk about why the workforce issues are there, but you have probably heard a lot about them today. For me, we cannot keep the Promise if we do not have the workforce. I completely take the point that it is not just about social work or teachers but about lots of different people working together. As we have heard today, it is also about not just the number of people that we have out there delivering services but their skills and expertise. A lot of people who work in the system still do not know what care experience is, so that is an immediate hurdle that we need to get over.

The impact of those issues is everything that I have set out today. I do not think for a second that the reason why we are not listening to children and young people or providing lifelong advocacy and support is that no one wants to. I do not think that that is what we are talking about. It can be hard for an organisation such as Who Cares? Scotland, which hears daily from hundreds of care-experienced people about challenges in the system. We do not always hear about the progress, but I would like to acknowledge that we know that good progress is happening and people are really trying.

What we are seeing—I alluded to this earlier—is the small wins. We see a workforce that is trying to make a difference and show the community that it is doing something different. However, as I have highlighted, some of the commitments in the Promise are being diluted and we see that in relation to restraint, probably in relation to educational exclusion and definitely in relation to lifelong support. In lieu of the transformational change that is needed, we are cherry-picking the things that we think might make a difference—in the knowledge that they are probably not making a huge difference. The workforce issues are having a significant impact. Without the ability for the workforce to feel fully equipped and well resourced, I am not sure that we will get to where we need to be.

Bill Kidd: I will add a question for Nicola Killean and Claire Burns. The minister told us about a workforce improvement plan that is being developed and is due to be brought forward next year. I am not asking whether you think that that will work, but are people from your backgrounds being involved enough to ensure that the plan affects care-experienced young people when it is eventually delivered?

Nicola Killean: I am not aware whether my office has been involved in that. I will check that and follow it up with the committee.

I welcome a strategic approach, but it has to be for the whole workforce. As we heard earlier, that involves social work, education, health and the third sector.

In the earlier session, we heard a lot about capacity. Capacity needs investment and resource, but it is also about how people work—about understanding what relationship-based practice looks like and how that is meaningfully delivered in services. I look forward to seeing more of that and to seeing whether it is strategic and looks across the whole piece at what true investment and support for the workforce looks like. It is crucial to be able to support everyone to deliver on that.

Bill Kidd: Claire Burns, do you believe that the involvement of the organisations and offices that you represent would have a beneficial impact on the delivery of the report's content?

Claire Burns: Sometimes I have to ask myself whether I was involved in a report, because there are so many of them. I do not think that I was involved in that one. What I have been involved in—the two things are connected—are developments around the national social work agency. I know that that has been considered along with the national care service, and CELCIS has been very supportive of the view that, although there are issues around the wider workforce, there are issues in the social work and social care workforce that need to be addressed. In particular, we have recruitment and retention issues. In the workforce survey that we have just done, we say that the workforce is in crisis. We kept going back to our researchers to ask whether we could justify the use of that word—and we say yes, we can. There are massive workloads, massive vacancies and people are burnt out after Covid. This morning, we heard from Kevin Mitchell that we have lost huge amounts of capacity and leadership. People have decided that, after Covid, it is time for them to go.

We are in a bit of a crisis in that regard, but some plans around the national social work agency, if taken forward, would be really helpful. Doing that would say that we need to deal with education when it comes to social work and social care. It is also right that we deal with some of the reputational issues that are still in social work and social care. We need to think about wellbeing, supervision and, as Nicola Killean said, how we support people to work with families in a strength-based, trauma-informed way. That will take something like a national social work agency. We need to deal with all that. Again, there are no quick wins. All of that is needed; recruitment, retention,

support, learning and development all need to sit together.

I welcome the report and I hope that it is well connected to the developments around the national social work agency.

Bill Kidd: That has been very well presented here, on a public platform.

The Convener: It has been an interesting morning and I thank the panel for their contributions, which have been insightful for the committee.

That concludes the public part of our proceedings. After the witnesses leave, the committee will move into private session to consider our final agenda item.

12:23

Meeting continued in private until 12:40.

Correction

Graeme Dey has identified an error in his contribution and provided the following correction.

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):

At col 5, paragraph 6—

Original text—

If a regional board comes to the conclusion that there is something of concern to it, it has the opportunity to escalate that to the Scottish Qualifications Authority

Corrected text—

If a regional board comes to the conclusion that there is something of concern to it, it has the opportunity to escalate that to the Scottish Funding Council

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