

EDUCATION COMMITTEE

Wednesday 28 January 2004
(*Morning*)

Session 2

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EDUCATION COMMITTEE

4th Meeting 2004, Session 2

CONVENER

*Robert Brown (Glasgow) (LD)

DEPUTY CONVENER

*Lord James Douglas-Hamilton (Lothians) (Con)

COMMITTEE MEMBERS

*Ms Wendy Alexander (Paisley North) (Lab)

*Rhona Brankin (Midlothian) (Lab)

*Ms Rosemary Byrne (South of Scotland) (SSP)

*Fiona Hyslop (Lothians) (SNP)

*Mr Adam Ingram (South of Scotland) (SNP)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)

Mr Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Bill Aitken (Glasgow) (Con)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Anne Burgham (Tayside NHS Board)

Gerald Byrne (Scottish Executive Education Department)

Donald Henderson (Scottish Executive Education Department)

Detective Sergeant Gail McClymont (Strathclyde Police)

Kathleen McNulty (Children 1st)

Margaret McKay (Children 1st)

Gerry O'Hara (Children 1st)

Gill Ottley (Scottish Executive Education Department)

Jackie Robeson (Scottish Children's Reporter Administration)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Ian Cowan

LOCATION

The Chamber

Scottish Parliament

Education Committee

Wednesday 28 January 2004

(Morning)

[THE CONVENER *opened the meeting at 09:48*]

Subordinate Legislation

Local Government in Scotland Act 2003 (Principal Teachers) Order 2003 (SSI 2003/607)

The Convener (Robert Brown): I welcome everyone to this meeting of the Education Committee. I urge people to switch off their mobile phones, buzzers and things like that, so that we do not have interruptions.

The first item on the agenda is subordinate legislation. We had a preliminary canter around this order last week, taking views from union representatives to see whether there is a big issue in all this. We are pleased to welcome Donald Henderson, the head of the teachers division of the Scottish Executive Education Department, and Stephanie Walsh, a team leader in the same division. You might want to explain to us what the Executive's objective is in introducing the order.

Donald Henderson (Scottish Executive Education Department): I will make a fairly brief opening statement to give you some background. Section 50 of the Local Government in Scotland Act 2003 suspended a requirement on education authorities to advertise principal teacher posts Scotland-wide. That suspension was for only one year at the time, and it expires in the middle of next month. The suspension was instrumental in facilitating the move to the new career structures that are contained in the agreement "A Teaching Profession for the 21st Century". It was originally designed to ensure the smooth transition of the former assistant principal teacher and senior teacher grades back into the main classroom teacher grades, but also to recognise that some of the teachers had had management duties and that some would find themselves promoted to principal teacher grades.

Since the suspension came into force, many local authorities have seen benefits not only for the group for which it was originally designed, but more broadly. Indeed, looking into the future at issues arising from declining school rolls and school amalgamations, many authorities have pressed the Executive to introduce legislation to

repeal the requirement entirely rather than just suspend it.

As you heard last week, the largest teachers unions also support the measure, although for slightly different reasons. The order extends the suspension period by three years, to February 2007. We hope that that will be sufficient to address the short to medium-term issues in schools. There can be further consideration of whether permanent repeal is the right answer.

The Convener: So, the Executive intends to look further at the longer-term position.

Donald Henderson: Yes. There is no legislative vehicle for that at the moment. Given the fact that secondary legislation can suspend the requirement, we have not looked at the longer term in detail. However, both trade unions and local authorities have pressed us to consider the advantages of permanent repeal. The requirement to advertise nationally dates back 10 to 12 years and much has changed in the surrounding firmament, making the requirement a bit anomalous. The Executive will consider that and decide whether it is persuaded and whether a legislative vehicle is available.

The Convener: The other point that was raised last week concerned the management restructuring that some local authorities are undertaking in amalgamating different departments, and so forth, and the difficulties that that causes for teachers. That is not affected by the order one way or the other, although I take it that it is an on-going theme and that there are discussions with local authorities about it. Is that right?

Donald Henderson: Yes, that is right. Most local authorities are looking at their management structures more broadly, not just in relation to APTs and senior teachers, although a first look at management structures was forced on them through this change. However, this technical change does not have a direct bearing on that issue, as it does not create a need to look more broadly at management structures. That comes from other dynamics in the process.

The Convener: As members have no further questions, I thank you for your time this morning.

We have to decide whether to do anything further with the statutory instrument, which is subject to the negative procedure. Unless we have any objections to the proposals, we must agree that we do not wish to make any representations to Parliament on it. Is that agreed?

Members indicated agreement.

Support and Assistance of Young People Leaving Care Regulations 2003 (SSI 2003/608)

The Convener: Item 2 is another statutory instrument. We welcome Gerald Byrne, the head of the looked-after children and adoption branch of the Scottish Executive Education Department. He is going to tell us something of the thinking behind this particular proposal.

Gerald Byrne (Scottish Executive Education Department): The committee should have the Executive note that we prepared when the regulations were introduced, which lays out the policy objectives and describes the structure of the regulations. I do not know whether you want me to take you through the note or just bring out a couple of highlights.

The Convener: It would be helpful if you would take us through the note.

Gerald Byrne: The purpose of the regulations is to implement changes to the system for supporting young people who are leaving care. The underlying statutory provisions are in the Regulation of Care (Scotland) Act 2001. That act adds to local authorities' existing duties to provide assistance and support to young people who have been in their care up to school-leaving age the duty to assess those young people's needs and provide a procedure for considering representations and complaints.

An important feature of the policy change that is being made is that local authorities will take on more responsibility for providing financial support to young people once they leave care. At the moment many of those young people—I emphasise that they are 16 and 17-year-olds—are eligible to claim benefit from the Department for Work and Pensions. That right was withdrawn in England and Wales in 2001 and, under regulations to be made by the United Kingdom Government under the Children (Leaving Care) Act 2000, it will be withdrawn from 16 and 17-year-old care leavers in Scotland from April this year. Thereafter, local authorities will take on the duty of providing financial support to 16 and 17-year-olds who are leaving care.

The aim is to provide a one-stop shop for young people so that they do not have to go to the local authority for their housing, the DWP for their financial support, Careers Scotland for their careers advice and a training agency for their training. The aim is to have the local authority act as a one-stop shop where young people can have all their needs assessed and can access services. We hope that that will encourage local authorities to keep in contact with young people who leave care for longer than they have until now. That is the policy framework.

I turn to the regulations' structure. The regulations are in three parts. The first part provides for the assessment of need, which is a new duty that will be placed on local authorities from 1 April. The regulations provide a system for undertaking the duty to assess need. They put at the centre seeking the views of the young people and they provide for an assessment to be undertaken and a pathway plan—a way of meeting the needs that are identified in the assessment process—to be developed for the young person. In conjunction with the regulations, we have had materials prepared under a contract with the Scottish throughcare and aftercare forum and Barnardo's, which will allow local authorities to pick up properly the needs that are identified. Those materials are currently being finalised and will be launched and provided to local authorities along with training over the next month.

The second part of the regulations is on the manner of providing assistance, particularly financial assistance. As I described earlier, it lays out the conditions for local authorities to take on the responsibility for providing financial assistance. There are limits relating to the amount of time for which young people have been looked after—essentially assistance will be provided only to those who have been looked after away from home for a period of 13 weeks since the age of 14. Those who do not fall into that category may still be eligible to claim DWP benefit. Under the regulations, only those who are eligible for support from the local authority will be excluded automatically from claiming DWP benefit. The part of the regulations on the manner of providing assistance also introduces regulation of the provision of accommodation, particularly for those who are in full-time further or higher education.

The final part of the regulations concerns appeals against decisions. Given that young people will be relying on their local authority to provide financial support, it was recognised that it will be necessary to have a quick and, we hope, simple way of appealing against any decisions with which they are unhappy.

There was an extensive consultation on the whole idea of transferring those responsibilities to local authorities and improving the provision of aftercare services. There was also consultation specifically on the guidelines and regulations and on the materials that were prepared by Barnardo's and the throughcare and aftercare forum, which carried out their own extensive process of consulting interested groups and young people themselves in designing those materials.

The financial implications for local authorities are twofold: first, there is the cost of the new system of assessment; secondly, there is the burden of taking on the payment of certain DWP benefits. In

November, ministers announced a total of £10 million in this year and the next two years for carrying out new duties and to meet the costs of those DWP benefits that will now be replaced by financial support from local authorities.

10:00

Dr Elaine Murray (Dumfries) (Lab): I see from the Executive note that £10 million is being made available over three financial years for local authorities, to help them to prepare. With regard to the financial support that was the responsibility of the DWP, has funding been transferred to the Scottish Executive from the DWP to support those young people?

Gerald Byrne: Yes. There has been a transfer from the DWP to the Scottish block to cover that change.

Lord James Douglas-Hamilton (Lothians) (Con): In past years, there has been a problem with young persons leaving care becoming either homeless or, in a number of cases, roofless, with nowhere appropriate to go. Have the regulations been drafted with a view to ensuring that that kind of eventuality does not happen?

Gerald Byrne: The regulations and the materials that accompany them provide for an assessment of the housing needs of young people. Aside from that, there is an underlying drive to have the whole local authority—not just the social work department—regard itself as the corporate parents of those children. There is a lot in the guidance about cross-cutting working within a local authority to break down those barriers.

That is not the only work that is being done to reduce homelessness and rooflessness among young people leaving care. The needs of those young people also form a central part of homelessness legislation and the homelessness strategies that local authorities are supposed to provide. Between them, a fair amount of policy activity has been directed to that programme.

Mr Kenneth Macintosh (Eastwood) (Lab): You may not have this information, but I would like to know how many young people qualify for discretionary payments and how many qualify for statutory payments.

Gerald Byrne: I do not know that off the top of my head. I know that there are roughly 1,200 young people, aged 16 and 17, who leave care in Scotland every year, of whom about 600 will qualify for financial assistance because they have been looked after away from home. Beyond that, I am not sure how many are being provided with the discretionary payments at the moment. That population will soon move through as people age, but we can expect roughly 1,200 in that category

each year.

The Convener: I would like to make an observation and ask a couple of questions. Some of the phraseology about pathway assessment seems to me to invent new forms of bureaucratic expression for no good effect. I wonder just how understandable it is to practitioners.

My first question concerns regulation 8. I know that the pathway assessment refers to various people who have to be consulted and included—parents and teachers, for example—but it does not make any reference to colleges or to the receiving people, if I can put it that way. Why is that?

Gerald Byrne: I am hesitating because I see what you mean about the assessment looking as if it refers only to people who are already involved with the young person. However, in the planning phase—perhaps this is in the guidance—the outlets available and the provision of services in the area should certainly also be considered by the pathway co-ordinator, to use the new bureaucratic language, when he or she is putting together the pathway plan, as opposed to the assessment. It is true that the regulations themselves do not say that providers should be consulted on whether a young person would be suitable for a course, but I think that how the pathway plan—on how the person's needs will be met—should be put together is probably set out in the guidance, although I would have to look that up.

The Convener: I wonder whether you would come back to us with a reassurance on that point. One of the issues that we picked up in our scrutiny of the Education (Additional Support for Learning) (Scotland) Bill was what can be called the dysfunction between the end of school education and what happens after that. The issue is important and it needs to be addressed.

I have a question on paragraph 16 of the Executive note, on financial implications, which Elaine Murray asked about. I think that you gave us an assurance that the UK Government will compensate us. I take it that the £10 million that has been identified is a guesstimate at this stage. Will the amount of money involved be kept under review vis-à-vis the requirements of local authorities in respect of appeals?

Gerald Byrne: We will encourage councils to report to us their actual expenditure. Although we cannot make a commitment, we expect to get a fairly clear message from the councils as to how much is involved.

The Convener: Thank you very much indeed.

The regulations are subject to the negative procedure. If no member has a strong objection, we must agree that we do not wish to make

representations to the Parliament on the regulations. If, however, members have queries, we could continue the item until next week. We have another week in which to deal with the regulations should we wish more time. Are members happy that we do not make representations to the Parliament?

Members *indicated agreement.*

Child Protection Inquiry

10:06

The Convener: We move on to item 3. We will wait for a moment while the members of the panel take their places.

The committee will recall that the background to this evidence session is that we are trying to scope the sort of inquiry that we might want to undertake. We have Margaret McKay, Gerry O'Hara and Kathleen McNulty from Children 1st. I think that Margaret McKay is going to kick off with a few words of wisdom.

Margaret McKay (Children 1st): On behalf of Children 1st, I thank members for the opportunity to appear before the committee, particularly at the point that you are scoping your inquiry. I will keep my comments brief.

Like the committee, and everyone from whom the committee will hear today, we at Children 1st want the best for children. The committee will be well aware of the many reports over the years, all of which have given the same important message about better communications between agencies and the need for a systematic follow-up of children at risk and for a well-trained and well-supported work force in health, education, social and other services. Our view, however, is that an essential component has been missing from those reports and from their recommendations. The missing component is how to engage the wider family, neighbourhood and community in the protection of children.

Our vision is of a Scotland in which child protection is everybody's business: a Scotland in which the care and concern of every man, woman and child is harnessed to the cause of keeping children safe. We ask the committee to prioritise in its inquiry the enlisting of public support and action for child protection.

The committee will obviously be interested to know how we think that we can achieve public involvement. First, it is critical that child protection is identified as a national priority not only for professionals and those in government but for the whole community. We believe that there is a need for systematic and sustained public information about what child protection means, why it matters and what we as citizens can and should do about it. The public need access to information, advice and guidance and it should be made easy for people to act on their concerns. We advocate a national child protection helpline, with one number, that is linked to local services.

Members have the report of the child protection

audit and review before them. From its findings and from our own experience in operating parentline Scotland—which is a support service for any parent—we know how the public feel. They know what to do when they see a fire—they call the fire brigade. They know what to do when they see somebody breaking into a house—they contact the police. However, if they are concerned about a child, they are flummoxed and are not sure what to do. They need to check out first whether their concerns are valid and concrete. The question is where they go and how they bring their concern into the public domain. We believe that a national child protection helpline, linked to local services, would be a major step forward in assisting the public to act as good citizens.

We also believe that there can be greater and wider family and community involvement in the decisions that are made about child protection. We call on members to consider that. We believe that a mechanism such as family group conferencing, about which my colleague Gerry O'Hara can say more if members wish, should be mandatory before a decision to leave or remove a child at risk is taken. In that way, the knowledge, information, experience and direct engagement of family, friends and people in the community who know a child at risk and are concerned about them could be made available clearly to the professionals and, more important, could be used in either gentle or not so gentle confrontation with parents.

We also believe that we should use the opportunities presented by the need to carry out checks on volunteers to transform safe adults into protecting adults. Every day, many thousands of adults are involved with children in informal ways in sport, leisure and a range of activities. Much attention is given, rightly, to ensuring that those adults are safe and proper people. However, we argue that, with good advice, support and training, they can become agents and active partners in the cause of keeping children safe. Kathleen McNulty, who is our child protection in sport development worker, can illustrate in more detail what I mean by that.

We ask the committee, within the scope of its inquiry, to focus on how child protection can be made a reality for ordinary citizens and how they can be actively engaged in the cause. We believe that that can be done and I have given a few examples of what we think needs to be done to move that forward. We will be happy only when child protection really is everybody's business.

The Convener: Thank you. Do any of your colleagues want to add anything or do you want to move on to questions?

Kathleen McNulty (Children 1st): I speak from the experience of working with some of the 150,000 volunteers who work in sport in this

country. We know that at least 99 per cent of children between the ages of eight and 15 take part in some sort of sporting activity. Our project is very much about prevention and ensuring that organisations adopt safe recruitment practices for adults who work with children and young people in sport. We also support organisations to ensure that they have clear and easy-to-follow procedures should a concern arise about an adult who is working with children in sport or, indeed, about a child who is taking part in sport and who might be experiencing abuse where they live.

We deliver the service through consultation with organisations, and a big part of our project is to offer training to volunteers who work with children in sport. Last year, more than 2,500 adults who are volunteers in sport were trained with our help. Some of the feedback that we have received from that training has come from adults who are parents. They have told us:

"It has raised my awareness of the need to look at recruitment procedures";

"As a parent, it's important to me that clubs are aware of these issues and protect our children";

"A helpline should be available for people to talk about concerns";

"This has given me confidence to know what to do and where to go for help".

Last year, 35 per cent of the inquiries that the service received were from adults who were worried about either an adult who was working in sport or a child who was participating in sport. On many occasions they were looking for advice on issues such as transporting children away from home, and a certain case involved a coach's behaviour towards a young person. Many of those adults were looking for reassurance and the confidence to make a referral to the statutory agencies. They told us that, if they had not had the opportunity to talk over their concerns with someone, they would not have had the confidence or the courage to follow the matter up.

10:15

The Convener: Thank you very much. Lord James Douglas-Hamilton will kick off our questions.

Lord James Douglas-Hamilton: What roles would you like to be given to the commissioner for children and young people, who will be appointed soon?

Margaret McKay: We would like the children's commissioner to ensure that children are at the heart of any developments in government or public service. The commissioner should also clearly represent the views of children to a wide audience.

The Convener: I was struck by a figure that is cited in our supporting paper, which states that less than 4 per cent of Scottish children are referred to children's panels on abuse grounds. That is put in a slightly dismissive way in the paper, but 4 per cent seems to be quite a high percentage—it is one in 25 children, if that figure is correct. Have we any feel for the extent to which that represents under-reporting in a notoriously difficult area?

Margaret McKay: I know that later in the morning you will hear from the Scottish Children's Reporter Administration. All that I can do is echo what Kathleen McNulty said about the experience of our parentline service. One in 10 calls that parentline receives is from someone who is concerned about a child, but not absolutely sure whether they should act on that concern. That is an experience that everybody in this room has probably had at some point. To the extent that those concerns do not enter the public domain, it might be reasonable to hypothesise that there is some under-reporting; however, the statistics are not within our competence. Other people will be better able to assist you in that matter.

Fiona Hyslop (Lothians) (SNP): I am struck by your emphasis on the citizenship aspects of child protection and the role of volunteers. We have a number of safety measures—including Scottish Criminal Record Office checks and other checks—in relation to volunteers, whether they are in the sporting arena or employed to look after children in after-school clubs. In many ways, we are in danger of becoming prohibitive in seeking to ensure that our bureaucracy is tight so that nobody who should not be looking after children is doing so, while trying to create a climate that encourages social responsibility and willingness among people to take on more responsibilities for children, rather than fewer. I am interested in that as a scoping exercise—it is an aspect that has not been looked at.

There is also the matter of institutional responsibility, to which people have paid more attention. Following the cases of Caleb Ness and others, we are investigating the authorities and institutions and the connections between them. Are there any aspects of that that you think we should consider in our scoping? We have received evidence recently, in the interim report on children's panels and fast-tracking, that suggests that data protection can be an issue; we know from other cases that it might be. I appreciate your views on volunteering and child protection and take your message strongly that we should look at that. Is there anything related to the institutional aspects of child protection that you think that we should consider as part of our inquiry?

Gerry O'Hara (Children 1st): I think that it is fair to say that processes and procedures in relation to local authorities, health authorities and the police are, in theory, robust. They have been developed over a number of years and there has been a preoccupation with ensuring that there is guidance for all professionals so that they will talk to one another. However, the front-line workers are the people who make the system work in terms of the information that they share and whether they feel constrained, trust one another or understand one another's roles. We would say that professional decision making, even when it involves parents—for example, in situations in which there are issues of abuse—provides quite a narrow framework in which to decide whether children are at risk. An alternative is to engage the wider community.

Earlier, Margaret McKay talked about family group conferencing, which involves bringing together relatives, friends, neighbours and other people who have an interest and concern in that child and that family, in order to share information. That means not only that the key people in the child's life become involved in its welfare, but that we are able to get at the truth because we do not hear only from parents who are defensive and frightened about losing their children. We would like much greater emphasis on that kind of community involvement. In theory, the children's hearings system is about community involvement but, at the end of the day, the hearing will involve strangers talking to parents, to their representatives and to children. That makes it difficult for children to speak up and say what is happening to them, so the more open the system is, the better.

Family group conferencing has been rolled out across 12 or so authorities. We have just reviewed the system and have concluded that it works. It is dealing with children who are at risk of having to come into public care or who are being abused. We are finding that the extended family and neighbours will take responsibility and speak up but, as Margaret McKay said, they will do that only if the door is open to them; it is hard for them to push the door open.

Fiona Hyslop: Does not that depend a lot on trust in the voluntary sector and institutions? Is it the case that an atmosphere currently exists in which people are frightened to report something in case they are wrong? The consequences of being wrong are severe.

Gerry O'Hara: There are two levels. As a country, we need to engender a sense that everyone is responsible for the safety of children. That sounds like a piece of rhetoric that is easier said than done, but if that message is sent strongly and people are told what they can do, people will respond. Sometimes, of course, people

will get it wrong and it will turn out that the mother who was shouting at and hitting her child in the supermarket was just stressed that morning, although it could be more serious than that.

With regard to recent cases that have gone wrong, there are—as Margaret McKay said—issues relating to poor communication. Is there much evidence that the wider community and family were involved? Were they listened to? Were they able to say, “Actually, that person is still on drugs,” or, “I don’t think that that person should be left alone with a child”? Even if a professional sees a family two or three times a week, it can be hard to discern the reality of the situation because people will be on their best behaviour and will tell the professional what they think he or she wants to hear in relation to the care of the child.

We have to widen the system out. That will be difficult for professionals, just as it was difficult when we first involved parents in case conferences, which was a good step. We think that the committee’s inquiry should examine the broadening out of the decision-making process and the need to ensure that the community and extended family are more involved.

Fiona Hyslop: Are there any international examples that we should examine?

Margaret McKay: The situation in New Zealand is relevant. We can forward other information to the committee, but it would be useful if you were to examine New Zealand’s system of community involvement in critical decisions about children’s lives. That system has been tried and tested over many years. I stress that our suggestion is not meant to be an alternative to professionals working well together; it is an additional factor. We know that well-trained and well-supported workers who communicate well to agree plans of action are crucial in the protection of children. However, we urge the committee to recognise the fact that those aspects have been scrutinised many times and that what is missing is examination of how we can engage the wider community.

Gerry O’Hara: Closer to home, I understand that there is a plan in Ireland to introduce mandatory family group conferencing.

Margaret McKay: Such things should in no way be done instead of children’s hearings making decisions, but they should assist children’s hearings in making sound and wise decisions. In other words, there would be discussions either before going into a hearing or at the request of a hearing in order to try to obtain the widest engagement to help and support the child and the family.

The Convener: If you could give us whatever information you have about the New Zealand

experience, that would be helpful—it sounds interesting.

Dr Murray: You have given quite a lot of information. I am interested in family group conferencing. Did you say that you had reviewed 12 authorities?

Gerry O’Hara: Yes. We are working with 10 authorities and another couple are working with other organisations. We completed a review recently. The model evolved in New Zealand and is very much based on the Maori approach to community and kinship and on the idea that people are responsible for their children. Experimentation in this country has now moved into a different phase. We started working with children whose behaviour in the community was problematic and whose families needed help and support, but the children with whom we are dealing now are children who are thought to be at risk of abuse or at risk of coming into public care.

The idea is that a lot of work must be done to find out who the key players are in the child’s life—friends, family and so on—and to bring all those players together. There is an independent co-ordinator. Of course, Children 1st is not a local authority, so we are not seen as being tainted, as it were. The idea is that all the information should be put on the table and that families should be encouraged to come up with solutions for the care and support of the children and their parents. As Margaret McKay said, such an approach is not an alternative to decisions being made by a case conference or by the children’s hearings system, but it widens the possibilities. Rather than going into the matter, we can make available to the committee a review report in which members will be able to see feedback.

Kathleen McNulty: One of the main benefits of the family group conference system is that it places great emphasis on the voice of the child being heard in the process, which can be difficult in the area that we are discussing. Part of the focus is to provide children with an opportunity to take part in decisions that affect them, which is one of the principles of the Children (Scotland) Act 1995.

Rhona Brankin (Midlothian) (Lab): I was interested in what was said about the lack of a national strategy for providing services for young people, which we should consider in the inquiry. Currently, there is no national strategy.

Margaret McKay: That takes us into an area in which, despite the best efforts that have been made, children have—sadly—experienced abuse. The issue is how to ensure that those children and their protective parents recover from that and move on in their lives.

Provision is patchy—it is virtually non-existent in places. More important, children and parents must often identify themselves as having mental health problems in order to receive a service, whereas they need an opportunity to explore what has happened to ensure that they can divest themselves of their experience. Often, children feel that they are guilty or responsible which, of course, they are not. They need an opportunity to have good active listening and support so that they can move forward in their lives. They desperately resent needing a mental health label to access psychological services in the national health service, for example, few as those may be.

We believe that there ought to be a network of readily available therapeutic services for children who have experienced abuse, and for the protecting parents or family members who are struggling to make sense of what has happened, where such issues can be dealt with. Parents often feel guilty and ask themselves why they did not see things happening and why they did not stop things. We do not want people in their adult lives finding that they cannot establish healthy and loving relationships because they are stuck with childhood experiences.

Gerry O'Hara: As I understand it, the child protection audit and review attempted to map the services that are available in Scotland in the health, local authority and voluntary sectors. However, I do not think that that work has been completed. It is important to audit what is available, at least.

The Convener: I have a question about parenting. I suppose there is a range of cases, ranging from really nasty abuse cases at one extreme to inadequate parenting at the other. Clearly, it is better if children are not abused in the first place and that we take action to prevent abuse, but to what extent can we influence the quality of inadequate parenting? To what extent is that an issue on which we should focus?

10:30

Gerry O'Hara: It would be significant if the Scottish Executive were to have a parenting strategy that made it clear how the Executive supports and values parents. I am not talking about having a nanny state, but about being clear about what universal services parents require to bring up their children and to tackle their problems at different ages and stages. I defy any parent to say that they have not needed help at some time. Therefore, the point is not about stigmatising inadequate parents, but about recognising that all parents need help and support. That is my first point.

Secondly, there is now a range of services that

are designed to support vulnerable parents at an early stage. We know from research, of course, that early intervention is effective and that the earlier it comes, the better. In that context, I commend the excellent sure start programme.

The convener referred to a range of inadequate parenting. One part of that range involves parents who neglect their children over a long period. There are real problems in supporting parents whose children suffer chronic gross neglect. Such parents are a real challenge for local authorities and for health visitors and social workers who work with parents. There may be nothing dramatic in such cases, but there is low-level parenting. We see children in schools and nurseries who suffer such neglect. Their parents desperately need help and the children certainly need help.

At the more extreme end of inadequate parenting, we face parents who misuse drugs or alcohol or both. I am sure that the inquiry will have to consider such parents. In some cases, the child protection issues are very extreme. If someone is involved in drug misuse—for example, with heroin—that is all that matters to them. The deterioration in the children of such drug misusers can be rapid: members will know that from cases that have recently been in the public eye. Therefore, rather than such children being cause for concern in the long term, they can quickly go from being safe to being seriously at risk.

Even when such parents want support services, the services are difficult to deliver because motivation is a big part of helping a parent. They must want to become better parents and be helped and supported. If there is no motivation, or the only motivation is the next fix or drink, it is difficult to help such parents. Such cases, which are frightening to manage, are a concern for all of us.

The Convener: The other side of the coin is that in certain areas of Scotland, such as Glasgow, there is a significant shortage of social workers, particularly in child care. Although we accept that the Executive has various strategies to try to deal with that situation over time, the short-term position is that there is a lack of social workers. Can you suggest ways in which we should be trying to deal with that problem? For example, could people who are not social workers be used in different ways?

Margaret McKay: I am not sure that we can offer anything substantial to assist on that, other than to say that the shortage of social workers is a reality and that it is a serious problem. However, it is essential that the workers currently in the field are able to access good-quality support when and as they need it, and that the managers of such workers ensure that the workers' skills are deployed directly with children and families. The

time that is used in direct engagement with children and families must be maximised. I concede that there is nothing original in saying that.

A recent survey showed that it is not the case that people are not interested in moving into social work, but that a number of factors dissuade them from doing so. One is the public image and the way in which social workers are pilloried, although we know that many thousands of families and children are well supported by committed and trained social workers. We need to engage with the media to try to have a more objective view of social work presented. After all, who would choose to go into a career in which people feel that the press are sitting on their shoulders all the time?

There are also issues about comparability with the rewards in other professions, especially in the early stages of careers. I am sure that others will speak to the committee about those issues. We have had the McCrone review and attention has been paid to conditions for nurses—teaching and nursing are the two alternatives for people who are likely to be attracted to social work. Clearly, we must consider the comparability issue. We need to value our social workers because the vast majority of them do an excellent job. Equally, we should not defend the indefensible.

Ms Rosemary Byrne (South of Scotland) (SSP): I want to return to the issue of children whose parents have drug or alcohol abuse problems, which is a growing problem in our communities, as Gerry O'Hara outlined. Do you have recommendations on the way forward in protecting such children and on identifying the difficulties that they face? Can you highlight any current practice that we could consider?

Gerry O'Hara: Specific moneys are available through the changing children's services fund to develop services to support children whose parents misuse alcohol and/or drugs. We have set up two pioneering projects—one in East Renfrewshire and one in Aberdeenshire—through the money that is available from the fund. Our priority is the welfare and care of children, but we have links with other organisations, particularly health boards, so that we can put together programmes that help parents either to manage their problems or to get off drugs. However, our focus is on providing services for children.

As members might imagine, there is a big child protection aspect to that. As I said, a situation can change overnight if somebody becomes, as it were, out of it. Increasingly, local authorities are trying to develop with health authority partners bespoke services for that group of children through the changing children's services fund. Such services need to be bespoke because the level of expertise that is required is not generally

available—we need people who really understand drugs issues.

I suppose that my answer is that a good start has been made. I am sure that the committee will want to consider the plans to see whether we are going down the right route.

The Convener: Recommendation 8 of the report "It's everyone's job to make sure I'm alright" states:

"The Scottish Executive should initiate a long-term study of the effectiveness of current methods of responding to abuse and neglect."

That is an important recommendation. Has your organisation, which is a leading agency in the field, done much research on that issue?

Gerry O'Hara: The National Society for the Prevention of Cruelty to Children, which is our sister organisation, has a big research programme, but we do not have sufficient resources to invest heavily in research. However, we know from related studies that are well known and in the public domain that what is effective is work with children and families that is clear about, and focused on, the desired outcomes rather than on the experience of the service. In other words, a working relationship with a family that focuses on the outcomes of protecting the children, improving parenting, getting the children to school and keeping them off the streets is likely to be successful, if the right programmes are behind that. However, if people become trapped or involved in relationships that feel good but do not focus on improvement, that does not work.

That point is obvious, but in the heat of the battle, people can lose sight of the outcomes. Nowadays, for all of us who work in child welfare, the outcomes are crystal clear: child protection; keeping children away from criminal activity; supporting parents; and trying to get children to school and to achieve. That is the mantra for all of us.

Margaret McKay: On the recommendation for a long-term study, I reiterate our plea for the study not only to look at individual children and families, but to be set in the context of how we engage the wider family, friends and neighbours.

We know that after reports on tragedies that involve children, people always come forward and say that they were really worried about the child and that they tried to do X and Y. People might not pursue such matters because they are anxious or afraid. Whatever the reason, the fact is that their concern was not acted on sufficiently or speedily enough. That information has been missing in reports to date; our plea is for the study to consider the role of and engagement with the wider community of family, neighbours, friends and, indeed, all citizens.

The Convener: Thank you very much. As there are no further questions, I thank the panel for its attendance. As always, if any member of the panel has anything further to suggest to us, we will be happy to hear from you. Our consideration of how to progress the inquiry will be made at a later date. We are grateful for your support today.

Margaret McKay: We thank you for giving us the opportunity to be here today.

The Convener: We are pleased to welcome Gill Ottley, who is the Scottish Executive's deputy social work inspector, and Anne Burgham, who is a child protection nurse for Tayside NHS Board. I understand that Gill Ottley will start by saying a few words about how she operates.

Gill Ottley (Scottish Executive Education Department): I thought that it might help the committee if I were to set out briefly what the inspectorate does. Anne Burgham and I are from different professions and we work in different environments. The inspectorate gets its powers from section 6 of the Social Work (Scotland) Act 1968, which gives us wide powers to inspect social services throughout Scotland.

We have three functions, one of which is inspection, but that is only a part of what we do. We also offer professional advice to policy colleagues within the Executive and we manage specific programmes. For instance, we are heavily involved in the promotion of education and training for social workers, in setting up and promoting the new degree and in the recruitment and retention campaign.

We inspect in a number of different ways. I suppose that it could be said that we offer a bespoke inspection service rather than an off-the-peg model. We do thematic inspections that apply across the country, such as for the report "It's everyone's job to make sure I'm alright". We can also inspect in specific authorities. Our annual report provides an inspection of all 32 authorities in Scotland.

As I said, in addition to inspection work, we offer policy advice to colleagues. We are heavily involved in the child protection reform programme in respect of the on-going work on standards, the charter proposals, the multidisciplinary inspection and current issues around staffing, recruitment and retention.

10:45

Anne Burgham (Tayside NHS Board): My background is in health. I am a senior nurse in child protection in Dundee—there are now a number of us throughout the country. It is our job to advise, support and guide our colleagues in nursing and across allied health professions to

help the training process and to liaise across agencies when child protection is an issue.

Our perspective is not exclusively the sharp end of child protection; we are also concerned with welfare. I have recently been involved in some reviews: the growing support review, which is multi-agency joined-up work, and—most recently—I have been working with a colleague from social work in the Carla Nicole Bone review in relation to a case in Aberdeen and Aberdeenshire.

The Convener: I assume that the social work services inspectorate acts in a similar way to Her Majesty's Inspectorate of Education, although obviously with different criteria and different approaches. One is struck by the fact that social work is from time to time punctuated by high-profile incidents and alleged scandals, in which something has gone wrong and an issue has hit the media. To what extent can you anticipate that type of incident? Are there resource limitations on what you can do? Are there problems in how you get at those matters? What can we do to ensure that those cases are nipped in the bud before something terrible happens? Can you shed any light on the issue?

Gill Ottley: HMIE is a much larger inspectorate than we are; it conducts a rolling programme of inspections throughout the country. We are a much smaller and much younger inspectorate. As I said, our inspections can take a variety of formats. We tailor the inspection to the subject that we are being asked to consider. Some of the inspections that we are engaged in—probably most of the recent thematic inspections—have been politically inspired, so we would go in on the back of concerns that had been expressed about a particular issue.

Some of our inspections are statutory—for example, those on secure care and adoption agencies—and have been subject to a rolling programme. One could say that the rolling programme offers the inspectorate the opportunity to identify issues of particular concern before they come to fruition. Although our annual report on the 32 authorities is not an in-depth inspection, it gives us a snapshot of the situation across services in authorities throughout the country.

The Convener: I should perhaps know this, but I do not. Is your annual report reported to Parliament in any formal sense?

Gill Ottley: Yes. The 2003 overview report is published tomorrow.

The Convener: That is very timeous.

Ms Wendy Alexander (Paisley North) (Lab): I will try to restrict my remarks to the scoping exercise, because I think that there is a danger of

us trespassing into what we should consider in subsequent evidence sessions.

I will direct my question to Gill Ottey, although in fairness I should say that I think that it would have been helpful to have had someone on the Executive's policy side in attendance, given that we are trying to agree the scoping area. From the Scottish Parliament information centre paper, it is apparent that there are three significant commitments, which I would like to put on the record. One is about the need for multidisciplinary inspection; the second relates to the costs and benefits of child protection and the need to carry out costed alternative options; and the third relates to progress towards single integrated assessment for children. Those three areas seem to be suitable for including within the scope of the committee's inquiry—the committee should critically review them.

You might be able to enlighten me on this, Gill, but I recall that the report "It's everyone's job to make sure I'm alright" was published in November 2002 and followed the death of Kennedy McFarlane in March 2001. Summits were subsequently held in November 2002 and November 2003 and the Executive agreed to accelerate the development of proposals for multidisciplinary inspection. However, I also recall that, in the Caleb Ness case, the material that came to the Executive indicated that, by November 2005, only the pilots for multidisciplinary inspection would have been evaluated. Multidisciplinary inspection would not have been established throughout the country by that time, so some four years after the Kennedy McFarlane case we would have reached only the pilot evaluation stage. Will you comment on whether I have got that timetable right and whether you think that that should be part of the scope of the committee's inquiry?

Part of recommendation 11 of the report "It's everyone's job to make sure I'm alright" was that the Scottish Executive should

"Commission a study of the costs and benefits of the current child protection system in Scotland and identify costed alternative options for improving outcomes for children."

Has the social work services inspectorate, or any other part of the Executive, pursued that recommendation?

To what extent should the progress on single integrated assessment be included in the scope of the committee's inquiry? It might be a little difficult for you to comment, but we are really trying to establish the scope of our inquiry and the areas that it would be appropriate for us to consider. Perhaps you will bring us up to date on the current situation.

The Convener: Wendy Alexander raised rather a lot of matters—she may have to repeat some of her questions. Will you do your best to answer her, Gill?

Gill Ottey: I will certainly have a go.

I understand that proposals for multidisciplinary inspection will be made at the next summit, which is planned for the spring. Ministers accelerated proposals for multidisciplinary inspection on the back of the Caleb Ness inquiry and the matter is certainly under active consideration. The social work services inspectorate has a strong stake in the matter. I am sure that the committee will want to include multidisciplinary inspection in the scope of its inquiry.

Multidisciplinary inspection is an extremely complicated business, because a number of inspectorates have an interest in the area: the social work services inspectorate; HMIE; HM inspectorate of constabulary; the care commission; Audit Scotland, potentially; and NHS Quality Improvement Scotland. Those bodies have different lines of accountability and different ways of working.

The area is also beset with definitional issues, because we have to ask several questions. What are children's services? What do we want the new multidisciplinary inspectorate regime to look at? Will we be looking at the services that local authorities deliver to children, or will the regime's scope be wider and include, for example, integrated community schools or children's health services? There are also issues around what an inspection is. Audit Scotland would probably say that it does something slightly different and there might be differences between a review, an inspection and an audit. Quite a lot of work will be needed to unpick those issues, but the committee will clearly want to consider multidisciplinary inspection.

On the progress around single shared assessment and information sharing, I understand that a consultation paper will be issued today. This might sound a bit repetitive, but the whole area is fraught with definitional issues. When we went round on our annual inspection report visits last year, a number of authorities said that, having rolled out single shared assessment for older people, they were considering—some of them quite ambitiously—doing the same for children's services. That raises many questions. There are big issues about defining single shared assessment, scoping the exercise and supporting staff in rolling it out.

I cannot comment helpfully on the third question, which was about the cost and benefits of child protection.

Ms Alexander: Do you not know whether the Executive followed recommendation 11 in "It's everyone's job to make sure I'm alright"? The recommendation is to

"Commission a study of the costs and benefits of the current child protection system in Scotland and identify costed alternative options for improving outcomes for children."

Gill Ottley: We are not doing a study at the moment. We are trying to prioritise the recommendations and it has not been possible for us to progress everything at once.

Mr Macintosh: I am slightly unsure about your ability to answer our questions and the difficulty that you might face in answering them because you represent the Executive. Recruitment and retention and, to a lesser extent, training issues are constantly flagged up as crucial in many ways, particularly to addressing the shortages in social work. The Executive already has a programme to address those issues, but to what extent would it be valuable for the committee to cover them in its inquiry?

Gill Ottley: Staffing issues are clearly crucial. There is no doubt that there are pockets of difficulty in some parts of the country. However, the difficulty is that the picture varies markedly across the country and even within authorities—it can vary between different children and family service area teams, for instance. It is not fair to take one statistic and to say that it applies throughout the country. Vacancy rates in children and family service teams in Glasgow are running at something like 20 per cent and, in Edinburgh, they are something like 12 per cent.

The picture is changing quite fast; there is a lot of churn within staff groups. Within the inspectorate, we are now monitoring staffing and vacancies and getting monthly returns—if it would assist the committee, we could give you accurate figures for December on staffing in children and family services throughout Scotland. I could certainly let you have a note of that; depending on when your inquiry is, we might even be able to let you have the January figures.

The position is not as bad as it is reported to be in the press. I do not know where the figure of 40 per cent that was quoted earlier in the week came from, unless it referred to a particular team in a particular area that was experiencing that level of vacancies. Overall, the position within social work staffing is one of growth. We have 51 more social workers on the ground now than we had this time last year. We have more social workers than we have ever had in our history—in fact, we have 25 per cent more social workers than we had six years ago.

The fact that services are growing at a fast rate

gives rise to difficulties. We are recruiting social work trainees to capacity; courses are full, and we have set up a fast-track scheme. We are also into the second phase of a recruitment and retention campaign. The work force is aging—the average age is between 30 and 50—so this time around we are specifically targeting younger candidates. Moreover, given that 85 per cent of the work force is female, we are particularly interested in young males and in increased representation from ethnic minorities. An incentive scheme will kick in this year, which we hope will act as an inducement to students who are coming out of courses to take up jobs in areas of shortage.

We are doing a lot to address the current situation, but there is no quick fix, I am afraid. Students who are training will take some time to come through; even with the fast-track scheme, we are looking at 15 to 18 months. We are very open to any other ideas about what we can do that will help.

The Convener: The figures that you offered would be helpful. I am not sure whether they relate to establishments, as well as to the people who are in post, or whether they cover associated groups, such as youth workers and support workers—it would be interesting if they did.

Gill Ottley: We are monitoring the vacancies for social workers and, although we are not monitoring the figures for social care staff on a monthly basis, we can give you our most recent figures.

The Convener: That would be helpful.

11:00

Rhona Brankin: I am interested in the need for joint working between different agencies. I am aware that different countries have different approaches—some countries have a more integrated approach to children's services. It would be interesting to get some information from you about where such an approach is adopted. Might the committee like to consider that under the scope of its inquiry?

Gill Ottley: Integrated services are the direction in which we are going. If we are to deliver child-focused services, it is sensible for the children, their families and their carers to get services that make sense to them and meet their needs, irrespective of who delivers them. We need to improve joint working if we are to deliver proper, integrated services. Recent reports suggest that we have some way to go in getting our act together and doing things better.

When we wrote the new standards for social work education last year, we did so in such a way as to parallel the standards for teacher education

and for nursing education. That might offer some opportunities for the higher education institutions to do more joint training. I am pleased that some universities are taking the opportunity to do modularised, joint training at an earlier stage. To train people at a post-qualifying level would probably be leaving it a bit late to do so effectively. Having said that, I think that more joint training opportunities for people who are doing the job on the ground and trying to work together would be a very good thing. The inspectorate is developing a child protection training plan for social services staff, which will cover how best to make effective links with other professionals.

Lord James Douglas-Hamilton: Do you think that the role of the commissioner for children and young people should come under the scope of the inquiry?

Gill Ottley: Yes, I am sure that that is a legitimate point of interest. The post is a new one and I am sure that the commissioner's work will be of great interest.

Fiona Hyslop: You may be aware that, as a result of the Caleb Ness inquiry, some authorities—for example, the City of Edinburgh Council—are reconsidering how they structure services for children. Some authorities already have a structure that concentrates on children's services, as opposed to discrete departments for education, social work and so on. What information can you make available to the committee on that? Is there an Executive view that we could examine? The restructuring is causing great controversy in Edinburgh and it will be interesting to see how other authorities have dealt with some of the issues concerned.

You pointed out that there are more social workers now than there were previously. You also noted the increased policy burdens and support services that need to be provided. It would be helpful if there was some sort of scoping exercise on that, which we could have a look at in order to ascertain where the potential stresses and strains are.

You have outlined the work that is being done to improve recruitment and training. Anecdotally, and from issues raised by constituents, I am aware that there are concerns about access, barriers and the bureaucracy surrounding the work experience that is required in order to progress with some of the training modules. I would be interested to hear anything that you have to say about barriers to entrance to the existing system. It would be helpful if you could provide some information on that.

Gill Ottley: Our annual report, which comes out tomorrow, will give an overview and present a snapshot of how individual local authorities throughout Scotland are developing services. I can

provide the committee with a note about how social work is integrated into which departments, for example, because that varies throughout Scotland. In South Ayrshire, education and leisure are grouped together and social work is bracketed with housing. In other local authorities, education and social work are grouped together. In Perth and Kinross, the authority made social work and bits of health into a new department. Social work is being brigaded and integrated in different ways in different local authorities.

Fiona Hyslop: Has that practice been evaluated by the Executive or do you just make a commentary on what is happening?

Gill Ottley: We evaluate social work services in the annual report. It is fair to say that the picture is not consistent. Different local authorities do things in different ways. Some of them do them well and some do not.

On the potential increase in policy burdens, I am sure that the committee will hear from the Association of Directors of Social Work and/or the British Association of Social Workers at a later stage. Local authorities will want to talk about the increasing complexity of the work owing to the increase in legislation and so on. I agree that child protection has become a much more complex task and social workers have to deal with many more matters.

You mentioned access, barriers and bureaucracy. One of our priorities must be to avoid creating too much bureaucracy, which keeps social workers at their desks; we need to increase their direct contact time with clients. That is not an easy one to crack. As the reform programme rolls out from the Executive, we need to keep a wary eye on whether there is an increase in contact time so that social workers can see more of their customers instead of spending time at their desks.

The Convener: We have concentrated on social work so far. I ask Anne Burgham whether there are any issues of contact, staffing or organisation in the national health service of which we should be aware.

Anne Burgham: What is happening in social work is reflected in the health service. In the health service, child protection issues primarily concern health visitors, public health nurses and school nurses. There is a severe recruitment and retention problem with health visitors and public health nurses. Not only do we have an aging work force, but some initiatives are virtually haemorrhaging public health nurses into other initiatives. The contact that health visitors and public health nurses now have with families is much more limited.

We are asked by the Health Department to undertake target working, which means that we

cannot do so much preventive work, with the result that there is an increase in challenging behaviour. When children reach school, there is a notion that such behaviour has developed because the people who used to help parents with parenting are no longer able to have the in-depth contact with those families in order to help parents who are unable or who have never had a model that allows them to parent well. The public health nurse service is no longer as robust as it once was. Much of what Gill Ottley said about what is happening in social work is reflected in health.

There are also difficulties in adult and child services in acknowledging who the client is for the health worker. We saw that with the Caleb Ness case. There is a huge need to ensure that all nursing, medical and allied health professional staff share the belief that they have a responsibility to children, whether or not children are their primary clients. There are many issues in health that must be addressed.

The Convener: That is helpful. I thank the witnesses for their attendance this morning. The committee is indebted to you for your help. We have given you a bit of homework to bring back to us, which we will receive in due course.

11:10

Meeting suspended.

11:22

On resuming—

The Convener: I welcome to the meeting our third panel of witnesses. They are Detective Sergeant Gail McClymont, who is the child protection officer with Strathclyde police, and Jackie Robeson, who is head of practice at the Scottish Children's Reporter Administration. Jackie Robeson will kick off with a few words about her perspective on our inquiry.

Jackie Robeson (Scottish Children's Reporter Administration): It might help the committee if I explain that, as head of practice within the Scottish Children's Reporter Administration, I am involved in practice direction and development. As a result, I try to be involved in key multi-agency developments. For example, the field of child protection requires me to work with other key agencies and to consider national initiatives. I also examine local initiatives that might be worth further development.

My organisation's interests centre on child protection, and we are very much involved in, and follow with great interest, current developments. At the moment, we are particularly interested in defining outcomes and standards in relation to child protection and linking them to on-going work

with young people who offend. Indeed, given the holistic nature of our work with children, we must ensure that all the work that is being done links up. We are also interested in the relationship between child protection and statutory processes, which include not only the children's hearings system but the criminal justice system, and in prevention, support and protection, which are the focus of "It's everyone's job to make sure I'm alright". We are opening further lines of investigation into those three areas.

Detective Sergeant Gail McClymont (Strathclyde Police): I am based in the child protection unit at Strathclyde police force headquarters. Although the unit was set up two years ago to bring consistency to the force's approach to child protection, our role has increased since then and we now deal with domestic abuse issues as well. Our main objectives are to monitor, review and produce force policy on child protection and domestic abuse; to support our divisional family protection units; and to advise the force executive on child protection and domestic abuse issues.

Strathclyde police recently restructured its approach to child protection and has introduced family protection units in each of our nine territorial divisions. The units bring under one umbrella what was previously called the female and child unit, which dealt with child protection issues and sexual offences involving adults; domestic abuse officers, who monitor and deal with domestic abuse issues; and the assessment of sex offenders in the community. They seek to provide a more cohesive approach to child protection issues and to offer a better service to victims of such crimes.

The Convener: That was very helpful.

My first question, which is for Jackie Robeson, concerns the level of follow-through at children's hearings. It was clear that there were problems in that respect when I visited the Glasgow hearings about 18 months ago. For example, the panels were quite often bringing people back three months into a supervision order to find out whether anyone had seen them in that time. Does that issue still need to be addressed or have there been improvements since that snapshot was taken?

Jackie Robeson: Work is being done in Glasgow, particularly in the area of social work, to recruit more staff and to find out how workers are employed and deployed. Previous witnesses have mentioned that this morning. As I understand it, the situation is slightly, but not significantly, better. Quite significant work has been done on a bi-agency basis, which means that the social work department and the local reporters have examined how those issues can be addressed. Children's hearings representatives and the local authority

are also involved in finding out how implementation can be taken forward.

I know from recent reporting that there are still concerns that decisions by hearings are not being implemented or that there are gaps in implementation. However, as far as our organisation is concerned, the issue has been given a priority and we are dedicating a lot of work to examining different ways of taking the matter forward and ensuring that we have an impact. For example, our Glasgow office—which is our largest office—has six managers on a patch basis with one further reporter who is dedicated to what we call support work, but which is more like developmental liaison work on those issues. This area is a priority for us, because the process needs to guarantee an outcome that delivers for children's needs. Things are moving, but the situation is still very difficult for everyone involved.

Dr Murray: Recommendation 3 of "It's everyone's job to make sure I'm alright" suggests that the Executive should consult service providers to

"draw up standards of practice that reflect children's rights to be protected and to receive appropriate help."

My impression was that police boards, local authorities and the Scottish Children's Reporter Administration should be involved in that consultation on drawing up standards of practice. Have you been involved in any such consultation?

Jackie Robeson: We have been involved in general consultation, partly through child protection committees and partly through a point of contact in our office with the action team that is working on the standards. We offered to second a reporter to the action team when work was ongoing. That approach has not been taken, but we have dedicated people in our headquarters who are available to work on developing the standards. We want to be, and are, involved in that work.

11:30

Detective Sergeant McClymont: We have been consulted on the standards through area child protection committees and the Association of Chief Police Officers in Scotland.

Lord James Douglas-Hamilton: My question is on an issue arising from the Soham tragedy. Do you think that information on individuals who should not be working with children is a legitimate interest that should come within the scope of our inquiry, as it relates to prevention of abuse and crime and to the protection of children?

Detective Sergeant McClymont: Yes. Obviously, anything that can be put in place and any reviews that will assist us to protect children in the future would be worth while. We need to

ensure that what happened in the Soham case does not happen again.

Lord James Douglas-Hamilton: I presume that if an individual who was totally unsuitable, as Ian Huntley was, had applied for a job in Scotland he would not necessarily have been picked up under the previous information system.

Detective Sergeant McClymont: Without knowing the full circumstances in the Soham case it is difficult to answer that.

Lord James Douglas-Hamilton: I think that that makes a case for considering the issue.

Mr Adam Ingram (South of Scotland) (SNP): The figures show that there has been an increase in the number of children coming into the system as referrals to local authorities or to children's reporters. Will you give us your reflections on that increase? Is it a result of the system working better in picking up cases or has there been an increase in the problems out there?

Detective Sergeant McClymont: That is a very difficult question to answer. Over the past few years, there has been a great rise in public awareness of issues around child protection and domestic abuse. Whether that rise in awareness is responsible for the rise in the number of referrals is open to debate. Without the results of proper research into the increase in the number of referrals, it is difficult to answer that question.

Mr Ingram: We heard evidence from Children 1st to the effect that it would like the community to be involved much more proactively in child protection. Are you picking up a sense that neighbours, friends, family and the community in general are more aware of child protection issues?

Detective Sergeant McClymont: Recent cases that have come to light, such as the Soham case, are raising public awareness of child protection issues. We in Strathclyde police are encouraging people to share concerns that they have about a child in the community and we are informing them about the correct way of reporting those concerns. We still need to improve the public's perception of reporting concerns about child protection and make it easier for them to do so.

Jackie Robeson: I echo what Gail McClymont said: there is a need to improve the accessibility of systems that can offer protection. A lot is being done locally on a multi-agency basis to ensure that information, such as the work that is being done by the police or individual social work departments, is not just located within each agency and is accessible. I know that, following the recent reports, such work is being advanced nationally, but in some local areas a big effort is being made, particularly through the child protection committees, to examine how people

can access the services to which they are entitled, which can offer protection and, in many cases, prevention before protection is needed.

Fiona Hyslop: It was interesting to hear about the changes on the police side that have happened over recent years. It is obvious that much is intended to happen through reports and recommendations. From your perspectives, will you give a judgment on the pace of that change? Is it too fast to be effective, is it too slow to be meaningful or is it about right? Although there seem to be many good initiatives, intentions and reports, there is concern and frustration about whether we are getting it right. I am interested to find out whether we are moving too quickly or too slowly on implementation and where the stresses and strains in multi-agency working lie.

Jackie Robeson: That is a difficult question to answer. In a sense, it is true that there is a lot of frustration around, particularly among people working in the area of child protection, about their ability, or that of agencies, to progress matters. That said, making progress on some of the issues in question takes time. We are talking about getting things right. If we want to improve people's understanding of how to access different parts of a system, for example, it is important that agencies work together on that and that the elements of co-operation come together to get things right. The nature of the process means that it is slower than people want it to be. I would not say that it is moving at too slow a pace; it is moving as quickly as is possible in the present climate.

Detective Sergeant McClymont: Most people who are involved in the field of child protection recognise that changes have to be made as quickly as possible. In addition, they are aware that we need to ensure that we get those changes right and that any measures that are introduced meet the needs that are there.

The Convener: I want to ask Jackie Robeson about research. I mentioned recommendation 8 of "It's everyone's job to make sure I'm alright", which talks about long-term research. On a visit to the Glasgow children's reporter that I made about 18 months ago, I was conscious that there were deficiencies in the research potential, as well as information technology limitations—although that perhaps relates more to the criminal element later on. Is there a need to develop research within your department or, more broadly, to get a handle on what works and what does not work in influencing levels of parental competence and matters that come to panels?

Jackie Robeson: We have had increased funding recently, which has allowed us to focus on areas such as research and information and to get the benefit from the database that we brought in. It is still early days, but at the moment we are

considering all those issues and are very keen to assess outcomes and effectiveness. In relation to our headquarters staff, we have put a great deal of money into our research and information unit, which links in with other areas.

One of the benefits of the creation of that unit has been that we have been able to examine the study on offending in Glasgow, which was conducted by a reporter in the field. It is very exciting for us to have the capacity to find out about, and to comment on, what is happening in areas such as offending and child protection, in which we hope to be able to influence the debate.

The Convener: Can you give us any detail on the areas of concern that you are looking into, as that might be helpful in informing what we are going to consider? I do not know whether you have on-going projects or a longer-term research programme.

Jackie Robeson: I can certainly undertake to write to the committee with our research plan.

Mr Macintosh: This is a slightly tricky question, which is in a similar vein to what Fiona Hyslop was saying. We are trying to scope our inquiry and to find out what issues we should consider. The difficulty is that you are telling us about great things that you are already doing. In some ways, you are describing what we do not need to consider. You might not be able to identify the matters that need attention.

DS McClymont described the situation in Strathclyde police. Have all those changes happened in other police forces? The need to keep the parliamentary profile of child protection issues high continues. In the police, are those issues receiving the attention and the resources that they require, or would you welcome further parliamentary scrutiny?

Detective Sergeant McClymont: In other forces throughout the country, the structure of forces in relation to child protection is being addressed. Suggestions are being made about how units should be structured. Obviously, the structure depends on the procedures that are in place in each area. The answer to your first question is that the situation is being reviewed.

On police resources to deal with child protection, I can speak only for my force. Our recent restructuring of family protection units has helped to address resource questions to an extent, but the officers in the family protection units who deal with child protection daily have a high work load and carry a heavy responsibility.

Our family protection units are undergoing an evaluation process as they were introduced only in January last year. That process might identify a need to change the resource allocation to

departments in our force. As we do not know the outcome of that process, it is difficult to comment.

Mr Macintosh: Would you welcome a parliamentary inquiry or would you feel threatened by it?

Detective Sergeant McClymont: We would not feel threatened.

Mr Macintosh: When I say "threatened", I refer to a feeling of being under scrutiny or of needing to defend yourself, rather than of welcoming an inquiry that might further our aims in joint partnership.

Detective Sergeant McClymont: We strive continually to improve the service that we provide to victims of such crimes. We would welcome anything that could improve that service.

The Convener: We cannot threaten Strathclyde police officers.

Mr Macintosh: The word "threaten" was not quite right.

I ask Jackie Robeson the same questions. Children's hearings are enjoying a relatively high profile because of the pressures that the hearings system has been under. Social work departments tend to get the greatest scrutiny. Which areas do you think we should include in our inquiry? Should we be precise and specific in our range of questions and objectives?

Jackie Robeson: A lot of activity is going on in child protection and much of it is noted in the committee's papers. A lot of work is being done on standards and on the role of child protection committees. We are keen to contribute to those processes and to influence the direction that is taken in those areas. If there were to be a parliamentary inquiry to consider the issues, we would want to co-operate with it. There is a lot of activity already, but that does not mean that we would not welcome an inquiry. Some of the issues that I mentioned earlier have been thrown up as possible issues for the inquiry to consider, including the question where the children's hearings system, the criminal justice system and the statutory bodies sit in the child protection system. We would like that to be pursued and addressed—that might happen in the work that is already being done, but it could be included in a parliamentary inquiry. We would like the wider protection issues of prevention and support that have been thrown up by "It's everyone's job to make sure I'm alright" to be developed. If that is happening in the work that is already going on, we are happy with that.

I do not know whether that answers your question, but we are not threatened by the possibility of an inquiry.

11:45

The Convener: Thank you for your help this morning. We have given you some homework to come back to us with. We are grateful for any help that you can give us in that connection.

We should spend a little while considering the evidence that we have heard this morning with a view to deciding what we will do with the child protection inquiry. We should be conscious of the Executive's intention to review the children's hearings system and of the need to add value to anything that is going on at the moment. It is a bit like the debate we had a week or two back about early-years education. A lot of reviews are on-going and the question is how we fit in. I confess that I have qualms about what we should home in on in the child protection inquiry. What do members think the issues should be?

Rhona Brankin: Clearly, there is a lot of on-going work in the area and a lot of information. Major reports have come out in the past few years. We need to be focused. I would find it useful to examine the recommendations that have been made in recent years and to find out what is happening to them and what action has been taken. Extensive recommendations have resulted from inquiries. We do not want to reinvent the wheel. We might want to go into some areas in more detail once we find out what stage things are at. I suggest that we examine the recommendations in the 2002 report "It's everyone's job to make sure I'm alright" and decide which areas we want to examine further when we have received feedback from the Executive about what is happening.

The Convener: It might be helpful if SPICe was asked to go through the *Official Report* of today's meeting and to produce a list of what has taken place, because quite a number of reviews and reports at various levels were noted. That would be a simple way to start.

Ms Byrne: It would be interesting to develop further the evidence from the nursing representative on early intervention. She talked about the old system, in which health visitors used to visit people regularly. That connects with family support workers and the people who link to families that have problems. She also made a point about focusing on adults and where that leaves the child.

Joined-up working is important, because one of the biggest concerns in all the investigations so far is how well people are working towards interagency working. I am interested in examining that.

The Convener: A little while back, I visited a family centre in Cambuslang that involves social work, health and, possibly, education services.

However, the bureaucracy involved in setting it up was substantial. It would be interesting to get information on places like that and how they are working.

Ms Alexander: We need to think about the time that is available and about how we can add the most value. Clearly, the risk is that we write another aspirational report that will join the other aspirational reports that Rhona Brankin mentioned. The difference between us and anybody else who has been commissioned to examine child protection is that we, uniquely, have the right to scrutinise the Executive. Nobody else who writes on this area can scrutinise what the Executive is doing. That is the function of the committee.

The Executive published "It's everyone's job to make sure I'm alright" in November 2002 and it has said that it is implementing the recommendations. Our starting point should be the fact that, although the Executive has had the report, which took 18 months to write, for 15 months, as we heard today, nothing has happened with at least one recommendation, a report is being published today on two other recommendations and a proposal will be produced on another recommendation 16 months after the report was published.

We have two or three evidence sessions. If our objective is really to make a difference, we should take the 17 recommendations and scrutinise the Executive to see whether it is acting on them. That is how we can deliver for people in the field, who will see that someone is holding the Executive to account for what it said it would do. The Executive might not be perfect in every respect, but we should not write about what a perfect world would look like. The unique contribution that we can make is to say to the Executive that it took 18 months to come up with the 17 recommendations and to ask it where it stands on them. That would be a report that was sufficiently hard hitting to make a difference and which would add considerable value, rather than our going back to square one, given what we have heard about constraints on resources. The proper question is about holding the Executive to account for what it committed itself to 18 months ago.

Frankly, that approach would require the committee to have self-discipline. Instead of having witnesses turn up to talk about their preoccupations, we should focus on the recommendations, from number 1 to number 17, to see where the Executive has reached in implementing them. That would add considerable value to an area that is, as we all know, of public concern.

Lord James Douglas-Hamilton: I support Wendy Alexander's comments, which follow on

from what Rhona Brankin said. In addition, we should be prepared to consider the recommendations in the report on the Caleb Ness case, some of which relate to actions to be taken by the Executive. That is a more up-to-date issue.

The Soham issue is almost certainly in hand, but it might be worth checking that too. I think that it comes within the scope of the inquiry and there is a lot of public concern that people who are not suitable to work with children should not be given the opportunity to do so.

The role of the children's commissioner is a new area. There is a question about the extent to which the commissioner should be proactive, and we have a pioneering role in that connection. It might be useful to consider that.

The Convener: We might have a children's commissioner to ask about that.

Lord James Douglas-Hamilton: We hope so.

My final point is that research often points the way to the correct facts and solutions. We should consider what research would be helpful in the future.

The Convener: I suspect that Soham is a self-contained issue that relates to the extent to which information is moved around the system and to the data protection limitations that exist on that. The issue might be dealt with through a relatively straightforward inquiry to the Executive about the particular issues, although I might be wrong about that.

Lord James Douglas-Hamilton: The issue could be dealt with in written evidence.

Mr Macintosh: I add my voice to the suggestions that have already been made. Today's evidence session confirmed my view that a great deal of work is already going on. We must be careful about treading with size 10 boots all over that good work. Our inquiry must be focused and structured—it should focus on the Executive's activity and particularly on the recommendations that are contained in "It's everyone's job to make sure I'm alright". The recommendations are so wide that we will be able to hear from most areas of child protection and will therefore hear any concerns that need to be flagged up.

However, I would like to broaden the inquiry slightly. In effect, we are assessing the effect of current policy and initiatives. Much policy and many initiatives that the Executive has put in place, and many of the resources that it has made available are working effectively, but some might not be having the intended effect. A good example of that—to which Fiona Hyslop alluded earlier—is SCRO checking and the checking of volunteers in general, which was initially introduced in response to events in Dunblane. That has the potential to

add a layer of bureaucracy that is out of all proportion to the risk that is involved and to the intention of the policy. Parent volunteers in schools are being checked who will never work with children by themselves or unsupervised. In some cases it has the—

The Convener: Opposite effect.

Mr Macintosh: Yes. It has the opposite effect and puts off the sort of people and the sort of citizenship and community involvement that we want to encourage. I would welcome the opportunity to consider such matters in order to find out how policies are working in practice. With that addition, I totally agree with what Wendy Alexander outlined as the focus of the inquiry.

The Convener: We should address an issue that the child protection nurse raised and which Rosemary Byrne touched on, which is how well the process of getting in at the beginning to give support and prevent things from going wrong is working. I am not sure whether that issue is addressed by one of the recommendations, but it seems to me that that matter is perhaps less publicised than some of the others, which have been well gone over. There is much potential worth to be had in getting that right.

Dr Murray: I will return to suggestions by Rhona Brankin and Wendy Alexander. Until we have a response from the Executive, we do not really know where it has reached in relation to the recommendations. Some—such as recommendation 8—are recommendations for the long term, so perhaps we should not expect the Executive to have got very far by now. However, we might expect a certain amount of progress on standards of practice. It is difficult to identify where we will be able to add value until we get a reply from the Executive about where it is on the recommendations and—given that some of the recommendations impinge on the work of other bodies—how aware it is of what is being done by other agencies.

The Convener: We have had an exchange of correspondence with the minister, but I cannot recall—

Dr Murray: The correspondence has not been specifically on the recommendations, has it?

The Convener: It may be that the solution to the problem is to begin by hearing from either the minister or Executive officials about what progress the Executive has made on addressing the recommendations.

Dr Murray: It would even be helpful if the Executive could provide a written response to us so that we could determine whether we want to bring the minister and officials in to give oral evidence.

The Convener: We are scheduled to start hearing evidence on about 10 March. There is a short time before we firm up the schedule. Will we not want more than just written evidence on the matter?

Fiona Hyslop: We must have a tight focus. Our role is to ensure accountability and provide scrutiny. I think that from there we could then identify whether things are happening too quickly or not quickly enough, and we could identify where there are blockages in the system. Do those blockages relate to recruitment training or do they relate to data protection changes? As Elaine Murray said, we will not know until we have a response from the Executive.

We should get a response from the Executive very quickly because the public concern—we should remember that our duty is to represent public concern—is about what is happening as a result of all the reports and recommendations. We want to ensure that things are happening quickly and proficiently at national level, but we also want to see the impact through the system. The suggestion about picking some of the recommendations and tracking them through the system to find out what impact they are having at the front line was helpful.

The convener made a point about adding value. There is no point in our trying to come up with policy solutions on the matter in a very short time; plenty of experts can provide those. We must ensure that we carry out our scrutiny and accountability role in this exercise.

The Convener: Where does that leave us? The first issue is how and in what form we should get a response from the Executive. Should we get a written response by itself or should we also hear evidence from the minister or officials? I think that we should hear evidence from the minister or Executive officials.

Dr Murray: I will make a suggestion. I am not saying that we should not hear evidence from the minister or officials but, as we are about to become mired in stage 2 of the Education (Additional Support for Learning) (Scotland) Bill, that gives the Executive a bit of time to get back to us before we are in a position to take evidence. Perhaps we should write promptly to the Executive to say that we would like a written report, in the hope that we will have it by the time we come to the end of stage 2 consideration of the bill—assuming that the bill goes through at stage 1 this afternoon. That would give the Executive a window of opportunity to get the information to us in readiness for our asking it further questions.

The Convener: My only slight concern about that is that the slot that we have for looking at the matter is provisionally between 10 March and 31

March. We want to use that time to move forward and to hear evidence and so on.

Dr Murray: That is why I suggest that we get a letter from the Executive in advance of 10 March, which would give us a basis on which to move forward.

The Convener: Okay. I think that we are moving towards a conclusion. We want first to write to the Executive for a response on the matter. I am still not sure whether in addition to a written response we will also take oral evidence. I think that we probably want to take oral evidence from either the minister or officials to kick off the inquiry.

Ms Byrne: I would prefer that.

The Convener: Is there agreement to that suggestion?

Mr Macintosh: Should we not first of all get another paper? The briefing that Kate Berry from SPICe has drawn up is fine, but a paper could be produced that expands on today's evidence session and flags up key issues.

The Convener: The suggestion is that, in light of today's discussion and evidence, SPICe and the clerks will come back on 11 February with terms of reference for the inquiry and possibly suggested witnesses. We can perhaps make final decisions then as to what approach we will take. It is questionable whether we will have received a letter from the Executive by then. Clearly, it would be helpful if the Executive could give us something as soon as possible after that. We can resume discussion of the matter at that time. Is that agreed?

Members indicated agreement.

The Convener: We will move on to the long-delayed final item, which we have carried over once or twice before. The item is continued from last week's meeting; it is the question of the appointment of a financial adviser to the committee. We agreed at the previous meeting to take the item in private.

12:01

Meeting continued in private until 12:10.

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