

# **EDUCATION COMMITTEE**

Wednesday 24 March 2004  
(*Morning*)

Session 2

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## EDUCATION COMMITTEE

### 10<sup>th</sup> 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)

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:

Councillor the Rev Ewan Aitken (Convention of Scottish Local Authorities)

Brenda Doyle (Association of Directors of Social Work)

Mary Hartnoll (Scottish Commission for the Regulation of Care)

Ronnie Hill (Scottish Commission for the Regulation of Care)

Tim Huntingford (Convention of Scottish Local Authorities)

Councillor Eric Jackson (Convention of Scottish Local Authorities)

Alexis Jay (Association of Directors of Social Work)

Carole Wilkinson (Scottish Social Services Council)

#### CLERK TO THE COMMITTEE

Martin Verity

#### SENIOR ASSISTANT CLERK

Irene Fleming

#### ASSISTANT CLERK

Ian Cowan

#### LOCATION

Committee Room 2



## Scottish Parliament

### Education Committee

*Wednesday 24 March 2004*

*(Morning)*

[THE CONVENER *opened the meeting at 09:47*]

### Child Protection Inquiry

**The Convener (Robert Brown):** Welcome to this meeting of the Education Committee. I remind everyone that we are in public session, and ask them to ensure that all mobile telephones and pagers are turned off, as they make nasty noises.

Under agenda item 1, we continue our evidence taking for our child protection inquiry. We are pleased to welcome Alexis Jay, the vice-president of the Association of Directors of Social Work, and Brenda Doyle, the chair of the ADSW's standing committee on children and families. I invite the witnesses to make an opening statement.

**Brenda Doyle (Association of Directors of Social Work):** Thank you for giving us the opportunity to come to the committee this morning. You already have our written submission, therefore I will make just a few brief comments.

The Association of Directors of Social Work welcomes the inquiry's focus on the needs of the most vulnerable children, and agrees with the report "It's everyone's job to make sure I'm alright" that child protection is everyone's business. However, there is a clear role for social work in working with the most vulnerable children and families, and the value of that role is recognised in that report. Social work resources have to be targeted, and they rely on universal services such as education and health to address the needs of vulnerable children. When a multi-agency response is required, it is important that those universal services identify vulnerable children and families and ensure that they are brought to the attention of the relevant services.

I want to say a little bit about the context. There has been an increase in the number of families with difficulties that are referred to us, in particular because of the increase in substance misuse and concomitant neglect. We have some staff shortages, as the committee is probably well aware. We have been able to use the changing children's services fund to develop interagency approaches, but we are working in times when there are difficulties in social work.

I will mention, but not go into in detail, a few key issues that need particular attention; the committee may wish to explore those issues. One is the importance of information sharing and what can be done about that. One is public information and awareness. Another main issue is training and the dissemination of research and best practice. Most important is the development of quality assurance systems based on "Protecting Children and Young People: Framework for Standards". Last, but not least, there are work force issues.

**The Convener:** We heard last week about the increase in the numbers of children who are living with drug-abusing parents. What are the key risk factors that public agencies should be looking for, in terms of the triggers that start off the processes? What are the key points? Drug-abusing parents may be an obvious example, but what else is there?

**Brenda Doyle:** I was lucky enough to be on the Home Office working group on the report "Hidden Harm: Responding to the needs of children of problem drug users", of which no doubt you will be aware, which started to address some of the issues. As we sat on that committee there was growing concern about the extent of the difficulty and about the potential impact of substance misuse on young children, school-age children and teenagers. It is a big issue for us and, as you are aware, the numbers concerned are growing.

There are particular risks in relation to babies and young children, with the possibility of neglect, inconsistent parenting, and sometimes physical abuse. Those issues need to be examined, particularly in terms of information sharing about unborn children. Clear guidance is required, particularly for health staff, on confidentiality, the rights of mothers, and the lack of rights of foetuses.

You asked about other significant groups. You heard last week about chaotic households, which constitute a large area of neglect. Some of the other groups that we work with are women and men with significant mental health problems who are caring for children, and those with learning disabilities. There are other small but significant groups; for example, children who have been sexually abused require a lot of attention and care to prevent the abuse from becoming a cycle. Another issue is domestic violence. There are quite a few areas in which we feel there are risks.

We have used the changing children's services fund to try to develop services in those areas and across agencies. A number of child protection committees and councils have looked at training in relation to the good guidance that has been given by the Executive in "Getting our Priorities Right: Good Practice Guidance for working with Children and Families affected by Substance Misuse", and

they have looked at the lessons that can be learned from some of the deaths, such as that of Caleb Ness.

**The Convener:** I think that I read in some of the evidence last week that domestic violence leads automatically to a referral to the children's reporter when there are children in the family. Is that an over-cautious reaction? Is domestic violence a strong risk factor, like drug abuse, or is it a weak one? How does it rank in the hierarchy?

**Brenda Doyle:** As usual, it all depends. There are various scales. Domestic violence is a risk factor in terms of potential danger to children, even if they are just caught in the crossfire, so it is right that we should pay attention to it. There have been issues about the number of referrals, which is immense, and the demand that that places on our already-pressed staff group. We are looking at that with the Scottish Children's Reporter Administration to determine at what point we should intervene; what the thresholds should be; and whether all cases need to go through the children's hearings process or if some can be dealt with at an earlier stage and, if so, how.

**The Convener:** On page 2 of your submission, you make a point about the way in which the current culture of blame and the search for people to be found guilty of causing problems and neglecting duties cause recruitment difficulties and, in a general sense, undermine morale. That is a major problem, and it is not easy to see how it can be tackled in the compensation culture in which we live. The problem undermines people's confidence in the system and affects the ability of professionals to do their job, as well as people's wish to be recruited into the profession in the first place. Have you any thoughts about ways in which the situation might be improved?

**Alexis Jay (Association of Directors of Social Work):** We do not want to undermine in any way the need for public accountability for the services that we provide. Nevertheless, it would be helpful if the media sometimes took a more responsible attitude to child protection issues. The ethos of "It's everyone's job to make sure I'm alright" is that the responsibility is shared by the community; it does not belong solely to local government and social workers. The more that those in public life can emphasise that point, the more the understanding of that shared responsibility would assist. Having said that, I am not detracting from professional accountability.

**The Convener:** Can anything be done to achieve greater public understanding of the pressures that departments face and the ways in which social workers react to those pressures? Would a public information campaign help?

**Alexis Jay:** Quite a lot has been done nationally with the Executive-led recruitment and retention campaign, although, of course, that was outwith child protection issues. We hope that social work as a profession could be shown to be worth while and rewarding, but that is difficult in the wake of the publicity that it has had recently. Staff can be tempted to opt to work in other areas that are perceived to be safer, if you like, or in which the individual is less likely to be exposed to public scrutiny. We are aware of that scrutiny and the impact that it might have on recruitment and retention.

**The Convener:** If the proposals for the standards are realised, it is to be hoped that that will have an impact on public perception.

**Alexis Jay:** Absolutely. For some time, the ADSW has been seeking the kind of standards that are being proposed; indeed, the Clyde report on the Orkney inquiry came out almost 12 years ago. We want to emphasise that we need clear, usable and measurable standards.

**Dr Elaine Murray (Dumfries) (Lab):** Your written submission states:

"We have consistently argued that standards and a multi-disciplinary inspection process will be the main tools for securing improvement across all agencies."

What was your reaction to the First Minister's announcement on Monday and the publication of the standards? Will those standards ensure what the First Minister desires, which is that

"No child should ever again die because of structural failings in support services",

or do you feel, as some in the Opposition feel, that the standards are still too vague?

**Alexis Jay:** The document is a framework and it lists eight high-level aspirational standards, which we approve. It is not a working document in the sense that it could be used by practitioners to inform their daily work. The ADSW is happy to work with the Executive to develop the framework, but the document does not provide us with that opportunity. Brenda Doyle will reply in more detail.

**Brenda Doyle:** We must acknowledge that we are not working in a risk-free environment. We are working with a large number of highly vulnerable families and such work is not an exact science. It is important that we all do all that we can to reduce the risk, therefore it is important that we develop a multi-agency quality assurance approach.

We think that the standards provide good principles from which to start work. It will take some time and work to develop a multi-agency quality assurance framework, and it will not be easy; various elements, such as social work, health, education, the police and the reporter to the children's panel, will be involved. The area is

quite complex and we want to be involved in that process with the Executive. We acknowledge that the Executive says that it has produced a framework for standards rather than the finished article.

As members probably know, some audit tools are available, such as the social services inspectorate document that was produced following the Victoria Climbié case, and the audit tool that has been developed in Edinburgh by Anne Black and colleagues. We can work with those tools. We know that certain practices lead to good outcomes. We can ask whether all the agencies are attending case conferences and reviews and if not, why not. We can consider how agencies take children's views into account and whether they pay attention to the views of children and their parents. We can consider how those views are recorded and used in conferences and in work on care plans. We can ask whether care plans are relevant to, and suitable for, the identified risks and whether people are working together in a truly co-ordinated and interagency way. We can develop a quality assurance approach across agencies, but doing so is a big challenge.

10:00

**Dr Murray:** What consultation was there with you about the framework for standards? Were you involved in drawing it up?

**Brenda Doyle:** We were involved in the consultation. The standards were developed through the reform action team, led by Stella Perrott. A number of consultation seminars and exercises took place that provided a lot of feedback, not just from social work but from a large number of agencies, including the child protection steering group. The Executive has recognised that the document is a framework and that we need to develop measuring tools.

**Dr Murray:** Do you have any concerns about the time that it has taken to develop the framework and the time that it is taking to develop the tools for professionals? Given that Kennedy MacFarlane was murdered in my constituency in 2000 and it is now 2004, is the process too slow or are you reasonably content that, because of the complexity of the issues, the process will take a long time?

**Brenda Doyle:** The issues are complex and many people's views must be taken into account. However, we have fed back our view to the Executive that there is an urgent need to develop audit tools.

**Fiona Hyslop (Lothians) (SNP):** We heard from the Executive that the changing children's services fund and the sure start fund are available to

support children's services. However, in recommendation 10 of your written evidence, you express concern about sustainability because of the temporary nature of the changing children's services fund. You also state that initiatives such as

"early years intervention and community schools ... can make a negative impact on core services."

Will you give some practical examples of the implications of that situation for front-line services?

**Alexis Jay:** The issue that we face is the stop-start nature of available funding. All the agencies are in a competitive marketplace for the recruitment of staff. Naturally, quality staff and people who are seeking employment want a guarantee of continuity of income, but the short-term nature of some funding means that people cannot be recruited long term, which means that they are less likely to be attracted to posts. That is one difficulty that we have with the roll-out of the changing children's services fund and the continuation of funding. Many different attractive opportunities are available to staff and the temptation might be for them to move to something more permanent rather than stick with the initiatives that have been developed well through the fund.

**Fiona Hyslop:** Nobody questions the fact that the sure start fund and community schools are a good thing; the issue is about competition for resources. Recruitment and retention of staff is the number 1 priority, but the competition for resources has an impact on that. Your written evidence states that posts in community schools or youth justice and early intervention initiatives have

"lured social workers out of child protection."

You also make the discerning comment that

"child protection work is now dominated by large numbers of inexperienced social workers".

We know from "It's everyone's job to make sure I'm alright", which dates from 2002, that at that time social workers were leaving core child protection services to go to voluntary organisations. What has changed in the past two years to allow sustainability of funding and recruitment and retention? What measures are in place to support experienced social workers who are facing burn-out because of the pressures with which they have to cope because of lack of resources?

**Alexis Jay:** We hope that initiatives such as the fast-track trainee scheme, on which the Executive has led, will have an impact. There certainly seems to be no shortage of people who are interested in entering the field. However, as you correctly identified, the problem with such

worthwhile initiatives is that it takes time—three or four years at a minimum—for their impact to trickle through. Major growth will not happen straight away, so councils have pursued separately several initiatives to provide more attractive opportunities for staff, including a range of continuing professional development and in-house support. Most councils offer further specialist training and a range of support and shadowing options for staff, but there is no doubt that front-line staff in child protection continue to experience serious problems that may not be satisfactorily resolved for some time.

In other areas of social work services, unqualified staff can be used if they are given good support. However, that is simply not possible in child protection work, in which there are key issues around assessment and the management of support for families in those circumstances.

**Fiona Hyslop:** My concern is that, although the long-term structural initiatives are in place, they will not address the issues for three or four years. Currently, one in 56 children are born to drug-abusing parents. As you just said, such newborn children are most vulnerable during their early months. How do we ensure that those one in 56 children who will be born over the next three or four years will have the support that they need? As a temporary measure, could social workers from other disciplines be retrained to ensure that we will be able to deal with the critical period between now and when all the proposals turn out?

**Alexis Jay:** In practice, councils do that already. They identify where the highest risks are and use their resources flexibly. Someone's preference for working in one area would not mean that they would not engage in other areas. In such circumstances, line managers of staff have an important role in providing excellent support and in ensuring that work processes are used as flexibly as possible without causing the situation to be unattractive to workers, who might then go elsewhere. We manage our resources in such a way that the highest need is targeted.

**Fiona Hyslop:** My colleagues will pursue some of the other work force issues, but I want to ask about resources. The Executive is concerned about poor management of resources and duplication of resources by various agencies. Bearing in mind the specialist nature of child protection work, do you agree that there is too much duplication of resources and services? What has been done about that in the past two years and what will be done as a result of "Protecting Children and Young People: The Charter"?

**Brenda Doyle:** Much has been done to develop integrated children's services and more seamless children's services. As you rightly say, that brings challenges in balancing the core child protection

work with the need to develop interagency responses, such as family centres, early intervention and community school approaches, all of which result in less duplication because people can work across agencies and keep each other informed. That is quite a challenge for us.

**Fiona Hyslop:** Who judges whether that balance is right?

**Brenda Doyle:** The issue is that we need to develop quality assurance. That is being considered locally, through our child protection committees and so on, and by the Executive.

**Rhona Brankin (Midlothian) (Lab):** I want to follow up on the business of ensuring that we have enough staff in child protection work. I am conscious of the fact that such work is often very stressful and difficult and that social workers who do that work require a lot of support. Are you satisfied that there are plans to ensure that this particularly challenging area of work is as supported as possible, which will give people confidence that if they go into the area they will have support in their working environment?

**Brenda Doyle:** We have been considering the issue of supporting front-line staff, as has the Executive. We have considered a number of measures that produce good outcomes, such as ensuring good supervision of staff, tackling stress and providing for flexible working. There is a drive in that regard in social work throughout Scotland and the ADSW has a member of staff who is devoted to supporting staff and developing policies and resources for them. We have acknowledged that the area needs to be addressed and that is now happening throughout the country.

You are right to say that the work can be stressful and that it needs public support. We appreciate the statements that have been made in the Parliament about support for social work, which is crucial. We often hear that the big issues are education, health and the police, so where does social work come in? Often it is not included when people talk about the big issues, but it has to be valued by society. We have to value our children and the people who work with them.

**Rhona Brankin:** Is there something to be said for social workers working in child protection for a specified length of time, such as five years, and then having the opportunity to move into another area? I know that it would be difficult to strike a balance, because you want people working in the area who are highly trained and qualified.

**Alexis Jay:** That is very much how we operate at the moment. One of the strengths in social work, especially in Scotland, is that we have a long history of providing good supervisory support to staff. Regardless of the area in which staff operate, we would expect their first-line manager



to be vigilant about the issues that you identified and about potential burn-out, which can occur in any area of the interpersonal support that social workers provide, but is especially apparent in child protection.

We would not want to have social workers engaged with more than a limited number of families with child protection problems. We want to give our social workers maximum support, access to resources and breaks away and we want to ensure that their knowledge is kept up to date so that they have opportunities for whatever continuing professional development is available. There is a range of ways in which we can provide support. We hope that our first-line managers are working systematically to identify potential burn-out problems before they happen. There are indicators of potential burn-out, which means that we see clearly when people are approaching that point. It would be tragic for the individual member of staff, and possibly for the individual with whom they are working, if we pushed them too far.

**Rhona Brankin:** You mentioned a range of risks relating to people with mental health problems or learning disabilities and to domestic violence. The area of substance abuse is interesting. The committee was surprised to hear the statistics for the number of children who are born into drug-abusing families. Is it possible to give us an idea of the relative risks? You have presented us with a list of risks, but how do they compare? Listing the risks numerically might not be the best way of getting a comparison, but can you tell us which factors pose the greatest risk?

**Brenda Doyle:** That is a difficult question. We have to assess risk carefully for each child and each family. It is not possible to give a one-bit answer, because consideration of the risks depends not just on full assessment by social workers but on assessment of the child's and parents' health needs and difficulties and of education issues, such as what might help a child's educational attainment. That is not straightforward. We might see a family in which there do not appear to be a lot of risk factors, but the risks become apparent as we gather information; that is why assessment is so important.

It is not possible to be prescriptive and it is not always possible to anticipate which families are the most dangerous, although there are good indicators, such as a history of criminal violence, domestic violence, mental health problems, partners moving on, numbers of partners and step-parenting. We know what some of the indicators are, but assessing the level of risk requires skilled work and is not an exact science.

10:15

**Rhona Brankin:** My question was meant more in terms of what research has been done on cases that have arisen and on the most common causal factors.

**Brenda Doyle:** Not much research has been done. As you probably know, some research has been done in North America and in this country by Dr Marina Barnard and Joy Barlow on drugs misuse issues. You heard some figures for that last week.

The committee might be interested in looking at Marina Barnard's work. She has done research by talking to children and parents—particularly mothers—about their experiences. As one reads that research, one becomes aware of the difficulties for the children. For instance, children at primary school are being taught about the risks of drug abuse, which is quite right, but they know that they are leaving a mother with a heroin problem at home. They are worried about their mother and sometimes do not even make it to school because they are caring for her. The "Hidden Harm" report has that title because not many people are aware of the impact that drug abuse can have on a child.

**The Convener:** I would like to press you slightly on one aspect of that answer. The core question about risk is really about working against limited resources. If you can send in a social worker—send in the hit squad, as it were—to one family rather than another, given that resources are limited, how do you decide to which families you should devote your attention? Do you give priority to a history of domestic violence or to drug-abusing parents, for example? At the top of the hierarchy, I suppose, would be the cases in which there is every kind of problem. Below that, is there any method that would help us to say where the concentration of effort should be or help you in making that decision on the ground?

**Brenda Doyle:** We make decisions every day about which families we can prioritise. The number of demands is increasing, in relation to domestic violence, for example, and in relation to the demands of the youth justice agenda. It is hard to strike a balance and we try to meet demands as best we can. Clearly, we prioritise. Child protection is a top priority, and children who are looked after and accommodated are another priority, but making such decisions is complex.

**Ms Rosemary Byrne (South of Scotland) (SSP):** I know that much work has been done over the past few years to improve the situation for looked-after and accommodated children, both in care and in school, and to join up education with the other agencies. What is being done in that area and do you think that it is enough? What

more could be done to get those young people out of the trap that they are in? Their achievements at school tend to be less than those of other children and their future prospects tend to be poorer.

I want to ask about foster caring and, in particular, about what is being done to support grandparents who are looking after children from families who have had crises such as drug abuse or domestic violence. Recently, I have been meeting a number of grandparents who tell me that the support that they get from social services and other agencies is patchy across the country. Bringing grandparents into the frame officially and considering how best that group can be supported is a crucial part of protecting young people. Is that being considered? What developments will there be?

**Brenda Doyle:** You are absolutely right. As you heard last week, 40,000 to 60,000 children in Scotland have drug-abusing parents. Of those children, 10,000 to 20,000 live with their parents. That leaves an awful lot of children who do not live with their parents. Many live with relatives, some come into foster care and, ultimately, some are adopted. Therefore, there are issues for us to do with support in family situations and looked-after and accommodated children; Alexis Jay will talk a little about the kinship care aspects of that.

On looked-after and accommodated children, we see a need to consider the foster care services. Again, there are growing demands. The figures for looked-after children had been going down, but they are now increasing slightly, so there are issues around numbers and the need for foster care placements.

Following the report, "Learning with Care: The education of children looked after away from home by Local Authorities", a lot of work is being done in respect of considering and joining up educational achievement for children and educationally rich environments in our children's units. At the recent spending review, we talked about the demands that now exist for quality of care and I think that Peter Peacock was interested in what was said. The care commission, rightly, has set standards in relation to residential care and will soon look at foster care and, indeed, private fostering. There are issues for us in relation to the ability to meet those standards and provide high-quality levels of care in smaller children's units, with good staffing ratios. We would like matters such as staff pay and conditions of service to be considered for residential care and, indeed, for what we can do in relation to foster care.

**Alexis Jay:** I would like to say something about kinship care, which has been mentioned. Rosemary Byrne is absolutely right to say that support is patchy across Scotland—that is the ADSW's view, too. There are variable systems of

personal support and financial support, which is a big issue. We believe that there are issues in kinship care that are different from those in foster caring. The activities are not necessarily identical and the people who provide such support to families are not getting the best deal that they could get. Our view has been that the Scottish Executive should take the lead in reviewing the arrangements and in proposing a uniform approach. We would be happy to work with the Executive on that.

**Ms Byrne:** The area is important and your answer is helpful.

I would like to go back a little to the quality of care for looked-after and accommodated children. The problems that always seem to arise are inconsistency in staffing and the lack of qualifications and training of many staff in children's units. Are those problems being addressed well enough?

**Brenda Doyle:** We have been happy to see the positive development of the Scottish Institute for Residential Child Care. You are absolutely right to say that we still have staff who do not have the qualifications that we would like them to have. We need very skilled staff in our children's units because, at the end of the day, we are talking about children who have had to be accommodated as a result of extremely significant problems. Their problems can sometimes be the result of abuse, and they have often had to face very difficult family situations. We need more qualified staff in children's units. There are issues to do with pay levels and people who are coming into residential care. The matter has already been on the agenda, but we think that more needs to be done. I believe that a seminar at the end of the month will consider that issue.

**Ms Byrne:** Finally, I would like to focus on the drug abuse aspect. We were all pretty shocked last week. What are your views on the patchiness of treatment for drug abuse and family support throughout the country? Are we beginning to address that, or do we still have a long way to go? Another crucial element in child protection is that such families should be in the loop in some sense. Are we going in the right direction in that respect, or are there areas that still need to be considered?

**Brenda Doyle:** You are right. Historically, people have looked largely at the treatment and rehabilitation of adults as individuals and there has been a lot of emphasis on methadone and support for those adults. As a result of reports such as "Hidden Harm: Responding to the needs of children of problem drug users" and the good guidance that has been issued on "Getting our Priorities Right: Good Practice Guidance for working with Children and Families affected by Substance Misuse", there is a growing awareness

that that approach is no longer sufficient and that there must be a culture change not only in social work, but in community addiction teams and other health teams. They need to be alert to the issues that are involved for children.

I know that, in a lot of areas, training is being conducted in relation to "Getting our Priorities Right" and related protocols. However, much still has to be done. The information-sharing agenda and issues such as confidentiality, data protection and the rights of mothers as opposed to the rights of fetuses have to be explored. I think that the Executive recognised that on Monday.

**Lord James Douglas-Hamilton (Lothians) (Con):** On the subject of vetting, can you explain why councils are reporting grave concerns about the criminal records checking service that is provided by Disclosure Scotland?

**Alexis Jay:** The main concern relates to the length of time that it takes to get the disclosure checks back. I do not have specific information about that, but we all have experiences of it routinely taking eight to 10 weeks for a standard check to be made. That period becomes much longer still if there is a need to check with other disclosure organisations, such as those south of the border. Those delays cause us a range of problems, partly relating to recruitment and partly relating to the tracking of individuals who might have criminal convictions. In some places, the temptation might be to let someone start the job before the check has come through because their other references are good and a gap needs to be filled. Mostly, councils would be careful about that, but you can understand how certain pressures might result in problems arising.

**Lord James Douglas-Hamilton:** How long does it take for the criminal records checking service to provide the information after receipt of the request?

**Alexis Jay:** Experience varies across the country, but at the moment it appears to take eight to 10 weeks. I cannot validate that figure entirely—I am speaking from the comments of various councils.

**Lord James Douglas-Hamilton:** Presumably, the selection of the staff would have been made long before the completion of that period.

**Alexis Jay:** Sorry?

**Lord James Douglas-Hamilton:** If a staff selection process is taking place, it may well be that the authority or body concerned might not have time to wait eight to 10 weeks.

**Alexis Jay:** That is the point that I was making. If there is a gap in service, the temptation is simply to start a person on a temporary contract prior to receiving the result of the check, with the contract

being made permanent later. There are difficulties with that, however, because people will not leave their previous job if they do not have a permanent contract.

**Brenda Doyle:** The other issue is the safeguarding of children. From the Kent inquiry, the Edinburgh inquiry and other inquiries, we know the importance both of the disclosures and, because a person's other known behaviours are as important as their convictions, of the enhanced disclosures.

**Lord James Douglas-Hamilton:** Why is it taking so long to get the information through?

**Brenda Doyle:** I think that the problem is to do with the Scottish Criminal Record Office's huge work load. That is what we are told, anyway. There is an increasing awareness of the need for various people—not only social workers but volunteers and so on—to have criminal records checks.

**Lord James Douglas-Hamilton:** If the problem relates to the work load of the staff at the Scottish Criminal Record Office, we are talking about something that is primarily a police matter.

**Alexis Jay:** We believe that the problem relates to the increasing volume of work that the Scottish Criminal Record Office and Disclosure Scotland face these days, but you would have to check with them.

**Lord James Douglas-Hamilton:** The background to my question is, of course, the tragedies in Soham and, going further back, Dunblane. Until the matter that we are discussing is properly sorted out, there is no guarantee that people who should not slip through the net might not do so and thereby get positions of responsibility.

**Brenda Doyle:** We are aware of the findings of the various inquiries and agree that it is important that we get the disclosures.

**Lord James Douglas-Hamilton:** Would I be correct in thinking that your recommendation would be that the system needs to be tightened up and measures taken to ensure that the information is provided much more readily?

**Brenda Doyle:** Very much so.

**Lord James Douglas-Hamilton:** What do you think the recommended timescale should be for the receipt of information following a request?

**Brenda Doyle:** Ideally, two or three weeks at the most.

**Lord James Douglas-Hamilton:** That is how long it usually takes a minister to issue a holding reply to our letters.

Has bureaucracy increased in recent years? If so, has that affected the amount of direct contact time that social workers have with their clients? What steps could be taken to reduce bureaucracy?

10:30

**Alexis Jay:** We are aware that that issue is raised regularly, as it was in "It's everyone's job to make sure I'm alright". As the managers of those services and others in councils, we must always be vigilant and review our procedures to ensure that we do not create duplication, too much bureaucracy and form filling. It is right that we should continue to ensure that contact time with individuals is maintained and not reduced.

Another important point is that it is absolutely necessary that social workers feel secure and confident about procedures. They must be thoroughly acquainted with the procedures that underpin child protection work, and they must understand their roles and be clear about how they relate to health visitors and other professionals. To that end, we need clear and well-established procedures that everyone understands. In many areas, social workers carry pocket guides.

People confuse bureaucracy and duplication—what people call form filling—with good, strong and robust procedures for themselves and other professionals. Such procedures should not be eroded.

**Lord James Douglas-Hamilton:** Do you have any wishes that the Executive could fulfil that would assist you now?

**Brenda Doyle:** We have mentioned some of the matters that need attention. Information sharing is key and needs to be explored further. All the staff who are involved in that area need clear guidance. The development of the assessment framework is important to that, as is investment in information technology solutions.

You asked about bureaucracy. There are problems with the number of reports that are required, such as child protection reports, reports for children's hearings and looked-after children materials, which have been mentioned. IT systems can help with joining up information across agencies and obtaining the reports for all those matters. We are aware that modernising government fund moneys are being used for that. In Lanarkshire, we are about to pilot an IT project on child protection. A lot of investment is needed in IT.

There is room for thinking about having a national database of children. We all hold child protection registers locally, but perhaps a national database would help.

Another subject that needs attention is public information. We have discussed what can be done on that this morning. We are involved with the Executive in considering the development of a national approach to information, which we welcome. A big culture change is needed in how society in Scotland views children. Physical punishment and related matters remain an issue.

Training is obviously important. We would welcome a standardised approach from all agencies. An Executive group has been established to develop post-qualification social work training, and money has been identified for that, which we welcome. However, a tiered multi-agency approach to training is needed. We know that Brigid Daniel at the University of Dundee is reviewing child protection training post-qualification, but pre-qualification training also raises an issue. All staff who work with children—such as health service staff, social workers and teachers—would benefit from receiving core child development and child protection training together. That would help to break down barriers.

Those are some of our requests. We want a multi-agency approach to be taken to developing the standards that the Executive will develop in the next year or so. We want to be involved in that work.

**The Convener:** You have pretty much described a charter of your own.

**Brenda Doyle:** We welcome the approaches on work force issues, but they need to be sustained.

**Lord James Douglas-Hamilton:** Thank you very much. You have given us a lot of food for thought, which is very helpful.

**Rhona Brankin:** I want to come in briefly on the disclosure checks. Are you saying that staff are employed before the disclosure checks come through?

**Alexis Jay:** I said that there was a temptation to do so in some circumstances, such as when there are gaps in services. I cannot say that that is definitely what happens across the country. We would never dream of doing that in child protection work, but it is possible to see how there could be a temptation for some employers to do so.

**Rhona Brankin:** If it was happening, how would it be picked up?

**Alexis Jay:** If a police check came back with a serious problem—

**Rhona Brankin:** I am asking how such instances would be picked up. I am not suggesting that it happens in the area of child protection, but, as a matter of interest, if an employer employed someone before their Disclosure Scotland check came through, how would that be picked up?

**Alexis Jay:** Do you mean if such issues arose for an individual employee?

**Rhona Brankin:** Yes.

**Alexis Jay:** It would be picked up when the police check was returned. If the check was clear, there would be no problem, but if—

**Rhona Brankin:** I am sorry, but I am not explaining myself properly. If an employer employed someone before the check came through, how would that be picked up? Would it be picked up by the social work services inspectorate or the care commission?

**Brenda Doyle:** Councils are looking at the issue rigorously; they are taking it seriously. The care commission, in regulating care services, looks at the safeguards and therefore it would probably pick up on those issues.

**Alexis Jay:** I must emphasise that we do not have evidence that such cases happen throughout the country. They have happened in the past, but everyone is increasingly vigilant and therefore they are less likely to happen now. Nevertheless, if an employer is pressed, it is possible to see that there is the potential for such cases to happen.

**The Convener:** I think that we should take up the issue with the care commission at a later stage.

**Mr Adam Ingram (South of Scotland) (SNP):** I want to go back to what I have identified as the key issue that you have flagged up—improving information-sharing systems. To my mind, that is the fundamental issue that has to be addressed if you are to improve areas of work such as early intervention. You highlighted the need for universal services such as education and health to feed into other services. To what extent is that being addressed at local level, and what are you doing with the Executive at the national level to ensure that the matter is being properly prioritised?

**Brenda Doyle:** As I said, all of us are looking at the development of integrated children's services. We want to ensure that they are joined up and that multi-agency approaches are taken. Some councils have developed, or are developing, assessment frameworks, referral processes and so forth. We are very aware of the need for the sort of work that is under way in that respect. The MGF pilots in various parts of the country are also looking at the issues.

The national approach to the assessment framework requires urgent attention and further development. We have discussed the issues with the Executive. We are glad to see the appointment of Vijay Patel to work on the assessment framework and we have been talking to him about that. We are also glad to see that Norma Baldwin

is to take forward a group that is looking at information sharing.

**Mr Ingram:** In your submission, you seem quite critical about the priorities that the Executive is pursuing. For example, you suggest that the amount of effort that the Executive is putting into youth justice and antisocial behaviour issues could be better employed in putting resources into the child protection system so that problems of antisocial behaviour and youth offending do not arise in future. Could you develop that a little bit?

**Brenda Doyle:** There is very good research to show that early intervention is probably the best way in which to deal with issues such as antisocial behaviour. We know that antisocial behaviour does not come out of thin air; it is often a result of problems in families and communities. We therefore see focusing on the early intervention agenda as important. It is a bit of a challenge to meet the youth justice agenda as well, especially with limited resources. That is not to say that the youth justice agenda is not important—we all agree that it is very important—but we feel that early intervention is key.

**Mr Ingram:** You mentioned the lack of a national database of children. Would it be a key milestone if something like that was put in place? Would that be a major achievement that we should press the Executive to resource?

**Brenda Doyle:** Such a database may well help in dealing with families that move across areas. One of the risk factors is families that move becoming homeless. In such cases, a national database would be a help.

**Mr Ingram:** Sharing information is one thing; acting on it is another. Your submission mentions accessing information from the national health service on unborn and newborn babies. How should we use that information in the future? Is it a question of taking babies away from their mothers earlier than happens now? There is a debate going on about the growth in the number of drug-abusing mothers and babies that are born to them. What is your insight into that problem?

**Brenda Doyle:** In many areas, there are already well-developed interagency approaches and pre-birth case discussions. Some problems arise if the mothers are not identified or move around; others arise if the mothers say that they do not want their information to be shared. In general, there are systems to pick up on such things, although it can be difficult to know whether the problems exist. We need to conduct more research into the issues, as we are seeing more such cases in the community. The Executive agrees and, as you heard last week, has started to look into the issues. That takes us back to the matter of risk assessment, which is very complex and requires

all the information that is available, as well as a lot of time, if it is to be done properly in an evidence-based way.

**Alexis Jay:** A practical example of how that might work can be seen in my area—as well as in Glasgow and one or two other areas—where there are social workers who are dedicated to working with pregnant drug users. From the antenatal stage onwards—if the mothers attend antenatal classes—or through a network of contacts in the health community, social workers pick up on the context and the issues and are able to offer support at a much earlier stage. Such specialist input, which brings together formal and informal information, can often be the most helpful.

**Ms Wendy Alexander (Paisley North) (Lab):** I would like to ask about the information technology issue. Your submission is very clear about the

“need for a secure, well maintained national database ... However this appears to be light years away!”

It goes on to say:

“The development of shared databases and the management of information is crucial and urgently needs Scottish Executive leadership.”

What is your comment on the fact that, in the charter that was published this week, there is no mention of Executive leadership on IT in the seven areas of action for the Executive? In so far as information is discussed at all, the charter talks purely about the responsibility of agencies. Is that a step backwards from the approach taken in “It’s everyone’s job to make sure I’m alright”, in which there was a commitment to a single, integrated assessment planning and review report framework for children in need? How might that issue be put back on the agenda? It seems to have disappeared since November 2002.

**Alexis Jay:** We are interested in that issue, perhaps because a great deal can be learned from the policy initiative that was taken by the Executive in the adult field through the development of single, shared assessment. Members might know that the Executive created a dedicated team that worked up the systems, on which we have been working for some time now with local council partners and, in particular, the NHS. It took a great deal of intensive work to develop what we have and I believe that similar leadership is required in the area of child protection.

**Ms Alexander:** I have a question about another area in which there has been a step backwards from the position taken in “It’s everyone’s job to make sure I’m alright”. Following that report, there was a clear commitment to delivering multi-agency inspections across Scotland. However, in “Protecting Children and Young People: The Charter”, which was published on Monday, the best that we can hope for are pilot approaches

that will begin in December 2004. There is no commitment to a timetable for fulfilling the earlier recommendation. Is that also a matter for concern?

10:45

**Alexis Jay:** Yes.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I apologise for my absence earlier. I want to return to the initial subject about which you were asked, which is the shortage of social workers in certain areas. You flagged up as a particular problem social work with children and families. Will the various measures that are being introduced to attract and retain social workers specifically address that problem area? Do you want any specific measures put in place, not necessarily by the Executive but at local authority level?

**Brenda Doyle:** We talked about that at length earlier. We welcome the Executive’s initiatives on fast tracking. Indeed, we are working on supporting front-line staff. However, social work with children and families still poses a challenge. The issue is how that area is perceived and valued. Public understanding and support is important. It must be recognised that we work in difficult and, occasionally, high-risk situations.

**The Convener:** I have a follow-up question on Adam Ingram’s earlier point about the balance between youth justice and early intervention, which is also an Executive priority. As staffing must be considered in the context of limited resources, is social work facing increased demands in the youth justice area? If so, do those demands impact on social work’s ability to deliver longer-term early intervention objectives? I presume that, if everything worked properly, that would complete the circle by preventing many people from requiring youth justice services later on.

**Brenda Doyle:** Clearly, there is Government attention on the important area of youth justice work, and we are developing our youth justice services. However, that is a constant challenge because of the size of the available work force. We are considering how we can meet the time interval working group’s timescales for reports for children’s hearings and so on. As members will know, those timescales can be difficult to meet when there are staff shortages. We are considering whether we can divert some children by doing more in early intervention. Indeed, the moneys that will come through the Antisocial Behaviour etc (Scotland) Bill, when enacted, will be helpful in developing youth services and early intervention services. However, the problem is not necessarily one of the time that social workers spend on doing all that work. Youth activities and

work by the police are important in that area. We are considering all those issues.

**The Convener:** Thank you. That was helpful.

**Fiona Hyslop:** As a member of a professional organisation, are you concerned that your own professional social work standards might be compromised by a move to a more generic framework for child protection? Is there any risk of that?

**Alexis Jay:** I may not have understood the question. Can you clarify what you mean?

**Fiona Hyslop:** Last week, one of the police witnesses told us of concerns that, with everybody working together in child protection, there was a danger that people might not carry out their own functions adequately because they would be too busy doing similar work with others. Is there a danger of your specialisms being diluted by such common working, and of the standards being seen as the lowest common denominator rather than as the highest individual professional standards?

**Alexis Jay:** I am not sure that we necessarily believe that that danger exists, but there is no doubt that it is correct that child protection is a top priority. It is clear that we need to ensure that our resources focus on the areas of most need. However, there are other areas of work that are better resourced and there is still scope for the whole range of specialisms to be supported, provided that the recruitment and retention problem is dealt with—which is a big if.

**The Convener:** Thank you very much for your input. We have kept you for quite a long time, but the session was useful and we are grateful for your comments.

I welcome our second panel, the members of which are from the Convention of Scottish Local Authorities. Councillor the Rev Ewan Aitken is the chairperson of COSLA's education executive group, Councillor Eric Jackson is its social work spokesperson and Tim Huntingford is the chief executive of West Dunbartonshire Council. Ewan Aitken seems to be in almost permanent residence in this building, but Councillor Jackson will kick off.

**Councillor Eric Jackson (Convention of Scottish Local Authorities):** Thank you very much. You have done the introductions. Tim Huntingford is here to represent the Society of Local Authority Chief Executives and Senior Managers; together, we are representing local government.

I will start by making some general comments. We welcome the constructive attention that is being paid to child protection and, in particular, to the need for all the agencies to work together in partnership. There are no guarantees in this area; bad things can happen. All the agencies are

coming together at the most challenging end of human relationships. We are here to reduce the risk and to ensure that there are no gaps in provision.

We certainly believe that there is work to do on sharing information and on working together more closely and we need to overcome any data protection issues, as the child and his or her needs must be central. A lot of progress has already been made and we are talking about further improvement. I do not want to detract from the good work that is done daily on the front line. There are dozens—and, over a year, thousands—of positive interventions by all the agencies.

We have no concerns about inspection; indeed, we would welcome it, as long as the inspection regime supports improvements and does not seek to apportion blame. We agree that we should not get caught up in processes; it is important that we concentrate on outcomes. We are talking about supporting the day-to-day work on the front line. We must ensure that experienced workers are confident about taking decisions. Generally, child protection is not about taking children away from families; it is about providing support for families who are in difficulty. We must not be scared about what we do and overreact. The action must be appropriate to the situation.

I am sure that we will discuss resource issues. We feel that there is a need for more early interventions. Although we strongly support the idea that child protection is the responsibility of everyone in our fields of social work and education, we believe that the other public bodies, the police and health services, as well as the voluntary sector and the Executive, have a role to play, as does the community at large. That is crucial. There is a need to build public confidence and awareness so that the public can take ownership of the agenda. Members of the public need to be aware of what they should do if they have concerns and we need to assure them that their confidentiality will be respected.

**The Convener:** On the public information end of things, clearly media vilification, which other witnesses have touched on, is a downside. The issue is not easy to deal with—we cannot control the media—but do you have any suggestions on how public confidence might be strengthened and vilification reduced?

**Councillor Jackson:** Our view is that there needs to be a public campaign on the whole issue of child protection, which should stress the fact that all people have responsibility. If people have concerns, they should know where to go to voice them. They should be assured that, if those concerns turn out to be groundless, nothing will come back to them. In other words, simply raising the concerns will not mean that those worries will

be broadcast in the local community or come back to the person who has raised them. If something is amiss, early action will prevent a tragedy.

**Dr Murray:** You will be aware of the Executive's announcement on Monday. As previous witnesses have advised us, the framework for standards is a starting point and tools will be developed from those standards, many of which concern the need for agencies to work together. You state in your submission that COSLA is worried that the structures of the Executive and the way in which policy is developed within the Executive could run counter to the desire to have an holistic view on child protection. Could you say a bit more about that? Councils have a fair amount of experience in bringing services together.

**Councillor Jackson:** We have the feeling that different civil servants have responsibility for different parts of the child protection agenda—youth justice, health and early years. We do not feel that people have come together in the same way as has happened with the joint future agenda, for example. We would like more general meetings between the people involved in different sections of the agenda.

**Dr Murray:** So your recommendation to the Executive is that it should practise what it preaches and bring some of its departments together.

Some councils have a lot of experience of children's services committees and of bringing children's services together within their structures. You will have an increasing amount of experience in community planning, for example. Can lessons be learned from councils' experiences for the framework for standards? What can councils bring to the table for developing such tools?

**Councillor Jackson:** There are different models and councils have set themselves up in different ways. Some councils have brought together education and social work services under one head of department. I do not think that there is any one answer. There is certainly a need for more information, even within individual organisations.

**Councillor the Rev Ewan Aitken (Convention of Scottish Local Authorities):** One of the strengths of local government is its ability to devise models for each locality. The key thing is to learn from experience and to exchange best practice across the board. That could relate to Dr Murray's point about what the Scottish Executive can learn about its own structures.

Issues around community planning will be key. Some significant decisions will be made in that area. Early identification of issues is also important. Whatever model each local authority comes up with, that model has to be rooted in community planning. That is a statutory duty and it

will be key as we learn from one another. In particular, the health and voluntary sectors need to be involved, because they are engaged at the front line. We need to focus our attention on those sectors when deciding what model is best for each area.

11:00

**Tim Huntingford (Convention of Scottish Local Authorities):** We should be careful not to get too hung up about structures. Whatever structure we have, there will always be boundaries and, if we move the structures, we move the boundaries. The secret for effective working is to find effective ways of crossing the boundaries, wherever they are. The Executive has improved its ability to work across boundaries recently and local authorities have done the same with community planning partners, but we need to get better at doing that.

**Dr Murray:** Do you feel that COSLA and the local authorities were sufficiently consulted on drawing up the framework?

**Councillor Jackson:** We would have welcomed having early sight of the framework document. However, on first reading, there is nothing in it that gives us cause for concern. There is further work to do, because the framework contains a number of statements that would be difficult to use as measurements.

**Tim Huntingford:** I will comment as someone who was involved in the framework's production. The professional agencies were concerned in the early days of the process that merely aspirational statements would be issued that it would be difficult to measure against. We were pleased that the Executive listened to the comments that were made and that we therefore have a framework for standards. I know that that means that a lot more work needs to be done and that there will be delays in producing specific standards that can be inspected and measured against, but that is far preferable to having aspirational statements of which it is hard to pin down the implications for the quality of agencies' work.

**Councillor the Rev Aitken:** We welcome the role that Graham Donaldson has performed and the experience from the establishment of the standards for Her Majesty's Inspectorate of Education, a process in which we have been heavily engaged. We welcome that experience because it represents a positive way forward for our involvement.

**Dr Murray:** You are almost welcoming the fact that the process is taking more time. I do not mean that as a criticism, but concerns have been expressed that it has taken so long to get to this point. As I said earlier, it is four years since



Kennedy MacFarlane's death and, unfortunately, another child has died in similar circumstances during that period. You seem to be saying to us that, because the matter is so complex and involves so many agencies, it is important that we take time to develop meaningful standards and tools that people can work with and that that would be better than, in a knee-jerk response to a tragedy, the Executive handing down a set of standards that you cannot work with.

**Councillor Jackson:** That is absolutely correct. We need to get the standards right, but that does not mean that we cannot make decisions and feed them into the system as we go along.

**Councillor the Rev Aitken:** There is nothing wrong with an evolutionary approach to developing the standards. As we learn more, we should continue to test and review the standards. As we have acknowledged, there is no perfect answer. We need to keep working at the standards and to allow them to evolve. That is what we have done with HMIE, for which we have changed the processes as we have understood better what articulating quality in inspection and support means.

**The Convener:** You mentioned Graham Donaldson and HMIE. I presume that the development of the standards will inform the inspection process and make it more targeted and more useful. Am I right in saying that you are suggesting HMIE as an exemplar of the support and inspection regime that should be in place?

**Councillor the Rev Aitken:** Absolutely. Let us consider the way in which HMIE has changed. There was a time when a school's reaction was, "Oh my goodness, we are getting inspected," which made people fearful. An inspection is still tough going, but now there is much more of a sense that the inspectors are there to work with the teachers to improve quality as opposed to saying that they are terrible people because they have failed to meet a particular benchmark, which is how the process felt before. Teachers now understand that the purpose of the inspection is to improve quality as opposed to creating or perpetuating a blame culture, which is what we often have in children's services, particularly when tragedies happen.

**Fiona Hyslop:** I will ask a few questions about resources. We know that Aberdeen City Council, for example, spends 113 per cent more than grant-aided expenditure on children's services and that Aberdeenshire Council spends 148 per cent more than GAE and the City of Edinburgh Council, of which Councillor Aitken is a member, spends more than 100 per cent more than GAE. COSLA will always have a shopping list of areas into which it wants to put resources, but is the discrepancy between central funding for children's services and

the funding that has to be matched locally more apparent than in other areas of work?

**Councillor Jackson:** We certainly have evidence that local authorities are spending more in that area than they have notionally been given. We have argued that we should not reach a position where all the money is ring fenced. After all, there must be scope for decisions to be made locally. We have already raised the issue in our evidence to the spending reviews and we will continue to do so.

**Tim Huntingford:** We would obviously welcome more resources. However, there is a concern that, although no one would stint on spending for child protection work and work with children and young families, the resource issue does not just centre on money. We need the ability to recruit social work staff, foster carers, health professionals and people from other agencies. Central Government and local government do not lack any willingness to resource this area of work properly, but we have to face the fact that many of our services and the ability to work effectively with families in which abuse has occurred require a wide range of resources for addiction counselling, family work, health improvement and many other areas that need to be tackled together. At the moment, many of those services are struggling to fill the posts that have already been budgeted for.

**Councillor the Rev Aitken:** Someone said earlier that, if early intervention rights are secured, some of the other stuff will not happen down the line. However, that is a long journey and such a transition almost requires parallel funding for certain periods of time. That is a huge challenge. Moreover, a significant area of expenditure comes from decisions that are not within the bounds of local government but are made by children's panels, for example. The reality is that we have to find the cash to implement those decisions and we constantly make that point in the spending review.

**Councillor Jackson:** We would argue that the core services and day-to-day work need adequate resourcing. We do not want a lot of specialist resourcing that is aimed at particular areas—in other words, we do not want ring fencing.

**Fiona Hyslop:** You are critical of the short-term nature of the changing children's services funding and say that it militates against sustainability. However, you also say that that funding has been helpful for collaborative work. Are you arguing that the fund's time has passed and that, although it might once have been useful for collaborative work, the money should now be shifted into core services?

**Councillor the Rev Aitken:** In a sense, yes. Such changes take significantly longer than three years, because we might still be using the old

system to deal with people who have had previous difficulties. In the spending review, we have argued that, as we need to sustain the new stuff that we have done, the money should be provided for an extended period. The source might still be described as the changing children's services fund, but we need the money in order to provide sustainability for those changes. Revenue savings will be a long time coming.

**Fiona Hyslop:** I am interested in your comment about parallel funding and the fact that, although the budgets are there, there are problems with recruiting people. Will you give us more information about COSLA's task group on recruitment and retention in social care, particularly with regard to any short-term measures? After all, although we can see the long-term prospects, we need to address some immediate issues.

You make the interesting point that COSLA feels that the whole public sector has a mission to encourage young people to opt into public service as a career. I was worried by suggestions made last week that we might want to recruit teachers and nurses as social workers; after all, there are recruitment problems in teaching and nursing. COSLA's perspective is interesting, particularly given the golden hellos that many local authorities are using in social work. Are such measures a good use of public resources and would they pass best-value tests? How do we get more people into public services without robbing other services?

**Councillor Jackson:** One of the primary tasks is to raise the profile of the profession. The media concentrate on the profession when things go wrong, but there is a need to advertise the good work that is done and what can happen when things go right. Local authorities are playing their part, helped by the money that was made available for the fast-track scheme. We are doing a lot of work on career progression in social work to show people that there is a career path and that they can aspire to make progress.

We are also doing a lot of work in growing our own people—using people who are interested in social work and who are working with us, but are not necessarily qualified. We often put them through Open University courses so that they become qualified. Therefore, we are bringing our own people in.

**Tim Huntingford:** My background is in social work and—I am giving away a secret—over the past 30 years I have seen a wave-like pattern of supply and demand. I remember that in the 1970s there was a similar crisis in Strathclyde region and we had to introduce traineeships and take desperate measures to recruit social work staff. That succeeded and we got to a situation where such measures—they were the equivalent of the

golden hellos—were no longer required; the measures could be removed because supply matched demand. We now have a situation in which, once again, supply no longer matches demand, although for different reasons, including the McCrone agreement, a lack of encouragement to people to come into the public sector and a climate in which people feel that working for social services would not be a terribly positive career move.

When I worked in places such as Blackhill in Glasgow in the 1970s, we had a team of people who thought that we were at the front line and at the cutting edge—child care was the area of activity that social workers wanted to go into and it was thought that that was where our work really mattered. There has been a significant change in that and people now want to go into other aspects of social work. We need to get the balance right.

**Fiona Hyslop:** So in the 21<sup>st</sup> century, in the here and now, what is COSLA's task group doing? Are any practical measures being implemented in the short term, apart from the Executive's recruitment programme?

**Councillor Jackson:** As I said, a number of local authorities have their own programmes and there is a need, through COSLA, to build on best practice and see what works. We are working on that matter and will consult councils in due course.

**Fiona Hyslop:** Has the task group just been set up? Has it made proposals?

**Councillor Jackson:** The task group has been running for some time. I am not on it, so I cannot answer your specific questions, but we can provide you with information.

**Fiona Hyslop:** It would be helpful if we could get that information.

**Mr Macintosh:** When I asked the previous panel a similar question, Brenda Doyle replied that the way to address the problem of a lack of social workers in children and families work was to raise morale generally among social workers and not to have a blame culture in the public service. Councillor Aitken repeated that and I agree with him. However, Tim Huntingford seems to suggest that there is no problem in recruiting people to work in youth justice or early intervention. Should we take specific measures to attract people into children and families work? Should we take specific structural or process measures, as opposed to addressing the issue across the spectrum? The Executive is recruiting people into social work, but if those people are all going into the wrong areas—as the COSLA and ADSW submissions suggest—we are not helping to address the problem.

**Tim Huntingford:** I am not saying that people are going into the wrong areas; I am saying that there has been an interesting shift in the attractiveness of different areas of social work activity to new recruits. We could say the same in relation to the health service. General practice was at one time seen as a high-status activity, but I would argue that that is less the case now. The difficulties of recruiting people into general practice—a critical part of an effective child protection system—are the same. Those are hard-pressed areas of activity; people are having to work in areas on which there is increasing public pressure. The work is draining and demanding and people need to feel that they will be supported in continuing to work in those areas.

The question whether we should let people work in that way for a while and then move on is interesting. I would like to think that experienced workers in all aspects of public service feel committed and supported and get job satisfaction from continuing to work where it most matters. I would not like them to feel as though they have to escape because the work is too tough.

11:15

**Mr Macintosh:** Youth justice used to have a problem in recruiting social workers, but it does not any more. I assume that that is because some changes were made a while back. What could we do to make such changes in the children and families area? In Glasgow, David Comley has introduced the idea of trying to tackle the flat structure of the social work profession. Glasgow City Council is trying to get people into smaller teams and to get managers out into active social work. Is anything else happening to address the problems in children and families work?

**Councillor the Rev Aitken:** That comes back to the whole point about the way in which joint working is structured. One of the problems with social work is that it tends to be an isolated profession. Social workers are out there on the front line and no one is backing them. However, if the structure means that they are clearly part of a team and the idea of collective responsibility is embedded into the structures, social work will be much less of a scary, or isolating, experience. Social workers will know that they are working on a common task with colleagues from other professions and with colleagues who do other tasks. That is one change that will make a key difference. Social workers will have a sense of belonging to something bigger and will not feel that they are just out there on their own, taking the flak for all the problems.

**Rhona Brankin:** There seems to be a scarcity of research in this area. What research has COSLA commissioned, or what research is it

aware of, on the scale and the scope of the problems?

**Councillor Jackson:** Do you mean in getting people into these services?

**Rhona Brankin:** No, sorry, I am starting on a completely new tack here. I am interested in the scale of the problem facing us in the whole area of child abuse. Obviously, COSLA, as the umbrella body for local authorities, is well placed to produce research in that area. Have you been engaged in such research? If so, what research have you done?

**Councillor Jackson:** I am not sure that we are doing the work that we would like to do. If you are offering us resources to carry out that work, that would be very welcome.

**Rhona Brankin:** It is not for this committee to do that, I am afraid.

**Councillor Jackson:** COSLA is well placed to gather information from local authorities throughout Scotland and that is what we do. On the specifics of what you are asking, however, I am not clear.

**Tim Huntingford:** COSLA has not been involved in specific research of that kind. As Eric Jackson said, we have been gathering evidence about work-force issues in local government. COSLA and SOLACE are jointly gathering information so that we have hard data for when we meet Disclosure Scotland to discuss the problems that we are encountering in the areas of disclosure. The role that COSLA can best fulfil is that of gathering information about the nature of the problems. We would wish to help in determining what research should be done, but it would not be COSLA's natural task to carry out that research.

**Rhona Brankin:** Are you aware of any research that is being done by other bodies that are coming to COSLA and asking about local authorities' experience on the ground and the delivery of those services?

**Councillor the Rev Aitken:** As you rightly point out, not an enormous amount of research is being done at that level. We have the ability, through asking the right questions, to gather information that could be the basis of an analysis. However, we have not been involved in such work. The question is why not, which is what you are asking.

**Councillor Jackson:** We recognise that we are in a position to collate such information. If you are looking for specific information, we will do our best to come up with the answers.

**Rhona Brankin:** One of you said that one of the strengths of the system is that different approaches are taken in different local authorities.

However, we have received other evidence that the different approaches cause a problem. Specifically, I am interested in how well the child protection committees are likely to work.

**Councillor the Rev Aitken:** That is an interesting subject. At COSLA's conveners of education committee I raised the issue of the role of elected members in the structures, their accountability and their ability to develop policy as a consequence of what they come across. Vehemently opposing views were expressed on whether elected members should be involved. That was largely because of the way in which each local authority dealt with such matters before and the structures that they created. The strength was that the conveners debated the subject and reached a conclusion that reflected where they had got to and where they had come from.

We are not starting with a blank sheet; we need to take account of experiences and the relationships that have been created over the years. We also need to take account of the way in which areas differ. The experiences in urban areas will be different from those in rural areas. We need to find out the best ways of delivering services. That is what I mean by the strength of differences.

**Councillor Jackson:** We will share information not only on what works and what are seen to be positive experiences but on what has not worked. The issue of political accountability is interesting. The Executive stresses that ownership of child protection must be taken at the highest level. The fact that the leaders of councils must sign off the procedures is helpful.

**Tim Huntingford:** I appreciate the importance of child protection committees, which need to reflect local circumstances. Each area needs to work out what is best for it, within a common framework. However, we can place too much attention on charters, frameworks and the structure of child protection committees rather than on ensuring that front-line professionals in all agencies work effectively together. That is where the second stage of the process needs to lead us.

**Ms Byrne:** Page 2 of your submission states:

"COSLA believes it is essential that universal services such as education and health take a full and active part in child protection".

We have discussed that issue, but I want to ask about the training that is necessary to bring teachers up to date and to make them aware of the issues. At present, members of guidance teams and certain senior management members in secondary schools are probably more aware of the issues, but ordinary teachers may not have had access to training. That is a huge undertaking. What plans are in place to make progress with training?

**Councillor the Rev Aitken:** There are two approaches to that issue. One is through the CPD programme that has arisen as a result of the McCrone agreement. The agreement allows us to provide training and provides the resource to do so. At present, we cannot make the training compulsory, but we want to encourage teachers to get information, primarily because of the developments in guidance. Unlike before, all classroom teachers will have a role in guidance and they are aware that they will need certain skills to deliver that part of their remit. This refers back to Fiona Hyslop's comment about the longer term. Including such training in the pre-qualification process is key and it is one of the areas in which we can train teachers, social workers and community workers, who are often taught in the same lecture hall but still have no sense of a common task. We are working with colleges to ensure that we are able to deliver that.

**Tim Huntingford:** I will take that point further. The local authority is probably the largest employer in each area. If we added to the number of local authority employees all the employees of the health service, the police, other community planning partners and the voluntary sector throughout Scotland, we would have a huge number of people. We do not use that group of people as effectively as we should as our eyes and ears in child protection. That group of people includes swimming pool attendants and it does not stretch the point too far to mention the people who empty the bins. Those people might see situations in family houses that give them major concern; they might see evidence of heavy alcohol consumption or drug abuse going on in a house. All our employees in the public service, including elected members at different levels, need to be the front-line eyes and ears of those workers who have specialist responsibilities in child protection. We do not exploit that potential.

Every time a child abuse case comes to light, there is almost always someone—a neighbour, a family member, a friend, a teacher or another worker—who says, "I thought that there was something wrong there," but they did not say so early enough for us to intervene. Councillor Jackson spoke about the need for public campaigns, encouragement and confidential helplines, which the Executive spoke about this week. Those are vital parts of the equation.

**Ms Byrne:** I will ask about parents' involvement in schools. We should ensure that there are parenting classes and that there is access for imaginative projects that might attract parents to get involved with the school. There have been developments in that area in some schools and good practice is taking place. Sometimes, if the school is imaginative enough, the most vulnerable parents can be hooked in on some level and can

be brought into school to get dialogue going. Are there any plans to further develop good practice in that respect?

**Councillor the Rev Aitken:** We could do that simply by ensuring that every new school has a parents' room. From the word go, we should bed into the structure of the school the idea that parents are important enough to have a place of their own. That should be the starting point. We could also involve community education and literacy teams in schools.

We can take that a step further to combine the roles of schools and the voluntary sector. There are a number of examples of parenting projects in Edinburgh—the haven project and, in my ward, the Restalrig project have evolved from the need to provide support for vulnerable parents in a way that is in the system, but not of the system, so that it not a threat. That takes us back to the point about parents engaging with outside authorities and then discovering that those authorities are okay and are not just telling them that they are wrong and terrible people. That is the kind of best practice that is being rolled out throughout the country.

**Councillor Jackson:** The issue is not only about parents—we have to involve children in the process so that they feel that if they are in difficulty, or if they have a friend in difficulty, they know where to go and have the confidence to speak to a teacher or another professional.

**Ms Byrne:** I see that. I sometimes think that school is a tool that could be used more so I am glad to hear what you say.

**Councillor the Rev Aitken:** The integrated community schools programme will help greatly because it will allow a sense of co-location to dilute the intensity of one service over another. There should be much more of a sense of those services being together.

**Tim Huntingford:** It is obviously the case that the people with whom we most want to engage are those least likely to want to engage with us. We have to find imaginative ways, such as the community school model, to get people who probably had bad experiences of school themselves to come into school. In my own area, we have recently involved parents in training and road safety with their children and a large number of people got involved for the first time in something to do with their local school and their kids' education. I was astonished to see the improvement in the linkage that was made in an area that had nothing to do with child protection but which engaged people in a very positive way.

11:30

**Ms Byrne:** That is the kind of thing that I was talking about. Thank you.

**The Convener:** An interesting point has emerged from that. If COSLA has any specific guidance or suggestions in that area, or if surveys throw up such things, that information is welcome.

**Councillor the Rev Aitken:** We can follow that up.

**Lord James Douglas-Hamilton:** I would like to ask about vetting. In your evidence, you say:

"Many councils are reporting grave concerns about the criminal records checking service provided by Disclosure Scotland. Employers are waiting for up to 10 weeks for checks to come back, so councils are faced with the dilemma of potentially putting children at risk by employing people without full vetting information, or preventing vulnerable children from accessing services because staff:child ratios are not met. This similarly exacerbates ongoing problems".

How widespread is that problem in councils throughout Scotland and what do you see as the solution to the problem?

**Councillor Jackson:** We find the results patchy and inconsistent. Sometimes we ask for the report to come back and it comes back quite quickly. At other times, as you have heard from our evidence, it can take 10 or 12 weeks, or sometimes even longer. There is a need for more consistency about that. It is outwith our control, but it is something that you could take up.

**Councillor the Rev Aitken:** It leads to bizarre situations. For example, we were unable to open some youth clubs at the beginning of the year because we had not had everybody vetted. Even though we had had those employees before, the new process was kicking in, so instead of providing a safe place for kids, we had to leave them on the street, which was not a safe place to be. We found ourselves in a bizarre and contradictory situation. We have now been able to deal with that situation, but our research shows that a wait of eight to 10 weeks is common.

**Tim Huntingford:** Disclosure Scotland has a service level agreement with us and I understand that it is expected to respond within two weeks.

**Lord James Douglas-Hamilton:** But it is not doing so at present.

**Tim Huntingford:** No.

**Lord James Douglas-Hamilton:** Are there cases in which persons are taken on in employment who have not been properly vetted or checked?

**Councillor Jackson:** In certain circumstances, such people would be in employment, but they would not be given front-line responsibility for

working with young children until those checks had come back. When they enter employment, people have to sign a document to say that there is nothing in their past that would prevent them from being employed in that area. If a negative check did come back, they could be instantly dismissed.

**Lord James Douglas-Hamilton:** Has that happened?

**Councillor Jackson:** Not to my knowledge, but the safeguard is there.

**Lord James Douglas-Hamilton:** So, in practice, quite a number of people are being taken on before the checks have completed.

**Councillor the Rev Aitken:** I am not sure that we could call it quite a number, but it has happened.

**Councillor Jackson:** It has happened, but there is work to do that does not involve front-line responsibilities.

**Councillor the Rev Aitken:** It is a judgment call. Each local authority, as the employer, has to make a judgment call as to whether a decision is right in a given context and on whether the employees can be kept separate for the time being.

**Lord James Douglas-Hamilton:** Do you see the primary problem as an insufficiency of staff in the Scottish Criminal Record Office?

**Councillor the Rev Aitken:** It would appear to be work load that is the problem.

**Lord James Douglas-Hamilton:** So you are saying that there is no problem at your end and that the problem is definitely at the other end and needs to be sorted out as quickly as possible.

**Councillor Jackson:** That is our perception.

**Lord James Douglas-Hamilton:** Is that the view of all local authorities in Scotland?

**Councillor Jackson:** As far as I am aware.

**Councillor the Rev Aitken:** Absolutely. It is also the view of the voluntary sector.

**Lord James Douglas-Hamilton:** Do you agree that increasing bureaucracy has been an issue for practitioners? In what ways do you try to limit the impact of bureaucracy on your organisations?

**Councillor Jackson:** Bureaucracy is certainly an issue where there is a requirement to prove that money that was provided for specific purposes has been spent on those purposes. At the same time, there is a need for checks and balances. Personally, I am not sure that bureaucracy is as big an issue as has been made out.

**Councillor the Rev Aitken:** Sometimes, what is described as bureaucracy is the way in which we assess quality and standards. For example, inspectors want to know that policies are in place, so we need to evidence those. That could be described as more bureaucracy, but being able to show evidence that policies exist and are being applied is part of the journey of improving quality. Bureaucracy is often used as a pejorative term for battering people, but we must be careful about making generalisations.

**The Convener:** In this context, bureaucracy is presumably defined as unnecessary paperwork. The central point is whether bureaucracy is an issue for social workers in the way that it is for teachers, who certainly perceive it as an issue in schools. The claim that there is too much bureaucracy is constantly made by teachers, but I am not sure that it is made by social workers.

**Tim Huntingford:** There is a danger of proceduralising an activity that, by its nature, is difficult to lay out in procedures. The danger is that professionals in all agencies substitute observance of the procedures for the quality of the work that they do. In a climate in which agencies and staff are worried about being pilloried for things that go wrong, people might take a defensive response of ticking the boxes and doing what the procedures say without engaging in the quality of work that we want.

Working with vulnerable children is a risky business. Things will go wrong. We cannot give any guarantees that they will not. The only way in which we could guarantee that a parent or carer would be prevented from abusing a child whom they had abused once before would be never to let the child see that parent again. There is a risk in leaving children in such homes and working with them. We need to encourage all agencies to take informed risks about people and not to be pilloried if things sometimes happen as a result of that.

**The Convener:** We want the spirit of the thing, not the letter. We do not want a tick-box approach.

**Mr Ingram:** An earlier answer suggested that councils are making progress on integrated working at local level through the community planning process. However, questions about the Executive's progress on that are thrown up by your written submission, which states:

"it is unfortunate that the integration agenda is still in its infancy at a national level and there is a danger that it will now develop separately from the Child Protection Reform Programme because of the demarcation of workload within the Executive."

What do you mean by

"the demarcation of workload within the Executive"?

**Councillor Jackson:** We touched on the same issue in an earlier question. We see that civil servants have specific remits, so we believe that there is a need for something like the joint future forum, where people are brought together regularly. The child protection reform programme has been running for some time now, so we feel that we are a bit ahead of the game on that.

**Mr Ingram:** How are you involved with the Executive's actions on developing a national framework for information sharing?

**Councillor Jackson:** We have discussed with various ministers—especially Tom McCabe—how information sharing among councils, health and the police might work. Discussions are continuing on what is the best way forward, but costs will be involved. We have evidence of work that has been done locally and we are considering whether that should be rolled out nationally.

**Councillor the Rev Aitken:** In our discussions on the spending review, we have made it clear that information sharing will involve costs. The issue is also on the agenda of the integrated children's services committee that Peter Peacock set up recently.

**Tim Huntingford:** Some important work is being done jointly with the Executive, through the modernising government fund, on the development of electronic information systems. In local government, there is a strong view that instead of thinking up new e-government schemes, we should continue to invest in making the ones that we have work so that they get bedded into our day-to-day practices. For example, there are some interesting pilot schemes in North Lanarkshire on electronic information sharing—that work needs to be refined and then rolled out quickly.

**Councillor the Rev Aitken:** Another example is in Edinburgh, where we are exploring the use of the smart cards that are being piloted in several authorities through MGF moneys. We could reach a stage at which young people could choose what information should go on their card, instead of having constantly to retell their story to lots of professionals, which is one of the key problems for young people in talking about the challenges that they face. Professionals would then decide who saw that information, as they would control the information. Professional groups could get different aspects of that information, but the system would be consistent and the young person would be in control. Where appropriate, the same information would be given to different agencies. We are reflecting on what that would involve. As Tim Huntingford said, we have the technology, but we have to work out the other stuff that goes around the technology to achieve that radical move forward.

**Mr Ingram:** You have the means to develop best practice at a local level and then, hopefully, to transfer it. Earlier, we heard that one of the big problems that we face is the lack of a national database. How much of a handicap is that, in practical terms?

**Tim Huntingford:** We need to ensure that systems talk to each other. As you heard, one of the characteristics of vulnerable families and children in need is their tendency to move around; they do not stay conveniently within a local authority boundary. We must have systems that talk to each other across the country.

**Councillor Jackson:** Increasingly, that is being done.

**Mr Ingram:** Do you think that the Executive could be more effective in that area, through an intervention to assist you?

**Tim Huntingford:** To be fair, the Executive is leading on the issue, but its work needs to be speeded up and taken further.

**Ms Alexander:** As you know, there is a great tendency in government for the most recent document to supersede the previous one. In that context, I invite you to probe the differences between "It's everyone's job to make sure I'm alright" and the framework that was published on Monday. Perhaps you would comment on two differences: first, there is no commitment in the framework to introduce a single integrated assessment planning review report framework and the associated information sharing—that is the point that Adam Ingram pursued. There is no Executive commitment to do that work, which is dealt with in the most recent document as the exclusive responsibility of the agencies.

Secondly, there is no timescale for introducing national joint multidisciplinary assessments. As there are costs associated with both national assessment and national information technology systems, and as neither issue appears to be timetabled for delivery in the time horizon that covers the next spending review, one has to conclude that they will not be funded in that review. Do you have any anxieties about those two differences between last week's pre-eminent document and this week's pre-eminent document?

**Councillor Jackson:** You make a valid point. We see the document as a framework that needs to be developed. I said earlier that we are not worried about assessment; indeed, we welcome it. However, we want to have some input on what is assessed and how that takes place, to ensure that it brings about the right outcome, which is about improving things, not about blame. There is an issue on the timescale. Pilot schemes could be up and running quite quickly. It is not necessary to have the same pilot running in different areas;

different pilot schemes could be tried to see what works best.

11:45

**Tim Huntingford:** We have a concern about compartmentalizing inspection or assessment of child protection activity away from other activity. I have a concern—which I think is mentioned in our submission—that child protection comes to mean protection of children who are on child protection registers. As we have said, often it is the children who are not on those registers who keep professionals awake at night—we might not be quite sure but have a gut feeling that something is wrong with those children, although we cannot prove it and there is not enough evidence for the police to charge anyone or to take referrals to the children's reporter that would lead to action where the parents were unwilling to co-operate. Any inspection regime cannot have blinkers on; it must look at the issue of services for addiction, mental health services, offender services and all the issues that impact on the way in which people deal with their children.

**Dr Murray:** In the charter that was announced on Monday, the Executive has committed itself to the provision of

"a 24-hour national child protection service: by 2005."

What sort of shape would you expect that to have?

**Councillor Jackson:** Are you referring to the helplines?

**Dr Murray:** The charter refers to

"a 24-hour national child protection service".

I would expect that to consist of more than just a helpline.

**Councillor Jackson:** We look forward to discussions with the Executive on what the shape of that would be.

**Councillor the Rev Aitken:** I can see how you might read that. On Monday, I saw it as a direct reference to our helpline.

**Tim Huntingford:** We have—and have had for years—24-hour services. Every part of the country is covered by a 24-hour emergency service.

**The Convener:** We keep coming back to the issue of drug-abusing parents and the number of children who are in families of that sort. We heard horrific evidence last week, which has been echoed by some of the evidence that we have heard this week. It is clearly an on-going and increasing problem. I would like to get a handle on the extent to which councils are geared up to respond to the problem, both in the person services and in the projects that are in place to try to do something about it. There are always

inadequacies of service—one recognises the pressures. Are we very inadequate? Is there a big crisis looming in this area, or is the service just a little bit inadequate? What is the picture?

**Councillor Jackson:** It is an area of concern for us. Not just drug addiction but alcohol abuse plays a big part in the problem. We work with our partners in the voluntary sector on it.

**Tim Huntingford:** I very much echo that. Drug addiction has become an emotive issue, but the evidence suggests that many more cases of child abuse are related to alcohol abuse than to drug problems. We need to look at addiction services across the board.

We are getting better at that. There has been significant evidence of investment, but I am slightly concerned that the Executive has tended to invest heavily in drug services and not so much in alcohol services. We are behind in the investment in alcohol services, in which there needs to be at least as much investment, if not more. There needs to be a coherent approach to the problem. The drug action teams in most areas have a grip on what needs to be done, and there is heavy investment. However, finding people to recruit into that field is another problem. Often, the funding is there but the ability to recruit appropriate people and to train them appropriately is lacking.

**Councillor the Rev Aitken:** Recruitment is key. We must get enough social workers so that those on the front line have a balanced work load. As well as having a caseload that is larger than would be desired, social workers have to deal with a greater number of drug and alcohol-related cases, especially in child protection, than they should. You have heard, in previous evidence, about burn-out, and that is a real concern for us. We need to get the balance right, and it takes us back to Fiona Hyslop's earlier questions.

**Councillor Jackson:** There is a big issue about the support that is needed for these families. Often, the children are not necessarily at risk from violence, but are not being taken care of properly, fed properly or supported through school.

**The Convener:** Thank you very much. That was an interesting and helpful session. We are grateful for your evidence. I suspend the meeting for a very tight five minutes.

11:50

*Meeting suspended.*

11:57

*On resuming—*

**The Convener:** I resume the meeting of the Education Committee with our third panel of



witnesses. I welcome Mary Hartnoll, the convener of the Scottish Commission for the Regulation of Care, and Ronnie Hill, its regional manager. I also welcome Carole Wilkinson, the chief executive of the Scottish Social Services Council. As usual, we invite the witnesses to make an initial statement. I think that Mary Hartnoll has a few things to say.

**Mary Hartnoll (Scottish Commission for the Regulation of Care):** Thank you very much for inviting us here. We are pleased to be able to share some thinking with you. I will make three quick points.

First, the care commission and the Scottish Social Services Council were set up under the Regulation of Care (Scotland) Act 2001, which was one of the first-years activities of the Scottish Parliament. We are, therefore, fairly new to the scene. The regulatory work of the care commission is based on national care standards, which were established by ministers through the social work services inspectorate. The standards are based on outcomes for service users and the care commission is charged with improving the quality of care services as experienced by service users. As part of that, the standards include, for child care, good practice and outcomes relating to child protection in the care services that we regulate.

Secondly, children under the age of five are the biggest group of care service users. By the time they reach school age, almost every child in Scotland will have used one of the care services that are regulated by the care commission. There is almost 99 per cent attendance at nursery school at the age of four. The numbers involved are large. An increasing number of the care services that we regulate are in the private sector—they are not all in the public sector, by any means.

Thirdly, we have worked on integrated inspections from the beginning. We inspect jointly with HMIE, in accordance with the education level of inspection visits, and we go in more frequently to inspect services that are regulated for the under-fives. We also work with the social work services inspectorate in relation to young people in secure accommodation. That is an interesting area of work and we have growing experience of how best to carry out an integrated inspection. Our experience has been that integrated inspections are by far the best way of going forward. That way we get total cover and it prevents people from being inspected twice.

12:00

**Carole Wilkinson (Scottish Social Services Council):** I will make three brief points, but first I thank the committee for inviting us to speak. Every time the Executive and the Parliament and its

committees discuss social work and social care, they raise the profile of the sector, which can only be a good thing. The Scottish Social Services Council was set up to regulate the work force and its education and training.

First, I want to pick up a point that several of the speakers this morning have mentioned, which is that we should view child protection as part of the wider work with children and families and not as a specialism that is divorced from the overall needs of children and their families. All the resources that go into services for early intervention and prevention and into early education and child care should be seen as part of working with children and families to reduce risk. They should not be seen separately. It is also important to understand the need for sustainability. Disadvantaged children and their families need long-term help and support. Difficulties cannot simply be turned round in a few years.

My second point is on the work force. The key to delivering good child protection services is competent, confident practitioners. By “competent”, I mean workers with the necessary skills, knowledge, qualifications and experience and, by “confident”, I mean workers who are confident in their abilities, in their profession and in working with others. We have much work to do in our sector to invest in the work force and to embed in organisations a learning culture so that education, training and CPD come automatically. There is work for employers to do to ensure that they retain and grow their existing work forces, which involves succession planning. The Scottish Social Services Council is clearly a partner in that work.

My final point relates to the quality of management and leadership. We will not get good-quality child care and child protection services unless we have good-quality managers who are giving leadership. There has not been significant investment in the management training of staff in social care, in contrast to the situation in health. We need to do more work to ensure that not only are the services more than good enough over the next few years, but that they take us through the next five, 10, 15 and 20 years.

**The Convener:** Mary Hartnoll touched on the regulation of voluntary sector agencies. There is a lot of voluntary sector involvement in pre-school care.

**Mary Hartnoll:** I meant the private, independent sector.

**The Convener:** Yes. Quite a lot of organisations of that sort are involved. Independent schools are also relevant. Do you want to elaborate on that? Are there particular problems?

**Ronnie Hill (Scottish Commission for the**

**Regulation of Care):** We need to grasp a number of opportunities if we are to take forward what Tim Huntingford said about the number of people who could be involved in trying to ensure that children are well protected. We should include the independent, voluntary and private sectors in the range of people who may be looking to the best interests of children and we should not forget them in our work.

**The Convener:** Do your inspection regimes catch up on them all?

**Mary Hartnoll:** They are all covered within the inspection regime. The emphasis earlier was on the public sector, but there is also a big private sector involvement. The whole population is covered.

**The Convener:** That is a valid point. The other matter is one that I raised with other witnesses—the key risks that agencies need to be aware of in approaching child protection. Do you have anything to add to what has been said? We have identified some of the issues.

**Mary Hartnoll:** Part of the work of a regulating body is to look at where the highest risks are. Good regulation means concentrating as far as possible on those areas where there are shortfalls. People who get a big tick for being very good perhaps do not need as much regulation as those who do not come up to scratch. The point about good regulation is that everybody who is running a child care service must have in place good child protection procedures and must be checked up on to ensure that they follow those procedures. Good regulation can provide safeguards. However, there will still be risks, because children who are not in the care services, such as children who are at home, will not show up.

**The Convener:** Have you developed your facilities to the extent that you can pick up common trends and issues and have effective input into the policy framework, as HMIE has done over the years?

**Mary Hartnoll:** We are just coming to the end of our second year and we are already able to draw out some information, although the information base is new. Over the next few years, we will build up more information, which will show trends.

**Lord James Douglas-Hamilton:** Why do you think that councils are reporting grave concerns about the criminal records checking service provided by Disclosure Scotland? What do you think the solution to the problem is?

**Carole Wilkinson:** We, too, take up Disclosure Scotland checks on applicants. Our experience used to be that Disclosure Scotland was turning around checks in three weeks. Recently, however, it has started to take eight to 10 weeks to carry out

the checks. Disclosure Scotland has told us in discussions that it has suddenly had an increasing number of applications from the public for standard checks, which has increased its work load. It has assured us that it is in discussions with its sponsor body in the Executive with a view to addressing the resource issues so that it can return to a situation in which it is turning around checks in about three weeks.

**Lord James Douglas-Hamilton:** Thank you for that information. You said that in the past Disclosure Scotland provided the information within three weeks.

**Carole Wilkinson:** Yes, that was our experience.

**Lord James Douglas-Hamilton:** When did the change to eight to 10 weeks come about?

**Carole Wilkinson:** It happened only recently, in the past three or four weeks.

**Lord James Douglas-Hamilton:** It is a recent event.

**Carole Wilkinson:** Yes. For us it has happened only recently.

**Lord James Douglas-Hamilton:** The problem is wholly at Disclosure Scotland's end and is caused, presumably, by insufficient staff numbers.

**Carole Wilkinson:** Yes. A related issue, which did not come up in answers to your questions this morning, is that, as I understand the regulations, everyone who requires a check has to apply to Disclosure Scotland separately and has to pay a fee. In a matter of a month, the care commission, the Scottish Social Services Council and an employer could all require a Disclosure Scotland check on the same person, in which case they would all have to apply separately and pay separate fees, which must have an impact on Disclosure Scotland's work load. We have raised that issue and have asked whether the regulations can be changed so that in some instances we can share information.

**Lord James Douglas-Hamilton:** What solution would you recommend?

**Carole Wilkinson:** We would recommend that the regulations be altered in some way so that we can share information on occasion, such as when we are all seeking the same information in a short space of time.

**Lord James Douglas-Hamilton:** In order that the applications can be processed much more quickly.

**Carole Wilkinson:** The issue is about processing applications more quickly and avoiding duplication. However, it is also about the cost of regulation, because a fee is attached to each

application, which means that individuals or employers could be paying three fees within a matter of weeks.

**Lord James Douglas-Hamilton:** Would you feel able to send in detailed recommendations on that, because it is an intricate subject?

**Carole Wilkinson:** Yes, certainly.

**The Convener:** Would the inspection regime pick up on the fact that people were slipping through or were being put in post without the care check having been carried out because of delays?

**Mary Hartnoll:** We have had to provide guidance to care service providers about what to do if they do not get their applications back quickly.

**Ronnie Hill:** The regulations attached to the Regulation of Care (Scotland) Act 2001 make it clear that it is the employer's responsibility to ensure the fitness of their managers and staff. That includes considering not only disclosures, but other elements of someone's fitness, such as whether they have the right references, whether they are mentally and physically fit for the job, whether they have a good employment history and whether they have the right training, qualifications and skills. Employers are legally obliged to ensure that all those requirements are met and that their staff are fit.

It is important that we do not regard the Disclosure Scotland check as the only aspect of ensuring that people are fit and proper for a particular job. Other measures can be taken; other checks can be made. Before a service opens for business, we check, as part of its registration process, that the service provider has the mechanisms in place to ensure that all such checks are undertaken. Once the service opens for business, we can and do check those mechanisms during our periodic inspections, which take place once or twice a year. Shortcomings are pointed out and we ask the provider to make the changes required.

We also require, through regulation, service providers to provide us with notice of changes of managers. That ties in with the point that Carole Wilkinson made about ensuring good leadership. We require service providers—including local authorities, the private sector and the voluntary sector—to certify that they have conducted the proper range of checks on their managers and to send the record of that certification to us. We can check up on that. For example, if there were a care home service in which the manager had changed and we had not received a record of that, we would pursue that and ask why.

**Lord James Douglas-Hamilton:** Are similar problems experienced elsewhere in Britain?

**Mary Hartnoll:** The pattern south of the border is very similar.

**Lord James Douglas-Hamilton:** Are people south of the border having prolonged periods before—

**Mary Hartnoll:** They have always had problems in getting the timescales right. In Scotland, that was not a problem to begin with.

**Lord James Douglas-Hamilton:** But, from your point of view, the matter requires resolution so that a more efficient mechanism can be put in place.

**Mary Hartnoll:** Yes.

**Lord James Douglas-Hamilton:** Do you agree that increasing bureaucracy has been an issue for practitioners? How can you limit the impact of bureaucracy?

**Mary Hartnoll:** With services that are regulated by the care commission, one needs a degree of bureaucracy in setting up good procedures and systems. That bureaucracy might seem heavy to people who are new to the field. People who deliver services directly have to have a certain number of staff and they do not need to be taken away from the field to carry out other tasks. There is a recording element, however, which Carole Wilkinson may want to discuss.

**Carole Wilkinson:** Clearly, we have to decide what work is required—the procedures and form filling that help to support children and their families—and what work is not required because it is unnecessary and hampers our work. As other speakers have said this morning, there is no doubt that improved information systems would assist. However, some bureaucracy is needed in order to support and help children. Not all bureaucracy is bad.

**Rhona Brankin:** I apologise if I missed this earlier, but are you aware of care providers employing people without the Disclosure Scotland checks being in place?

**Ronnie Hill:** That has occurred. Sometimes, the employer has taken a careful look at the relative risks and the range of checks and processes that are in place. For example, they might have received decent references from an applicant's previous employers and a report from the applicant's GP that says that the person is fit. The person might have the right employment record and the right qualifications. If the person is a nurse and has been the manager of a care home for older people, they might be registered with the Nursing and Midwifery Council. Then, all that is left is the Disclosure Scotland check. Some employers might risk introducing the new manager or new member of staff, who will be under guidance and supervision, but the person's contract might be predicated on the outcome of the Disclosure

Scotland check. That can happen. Sometimes, when the balance is appropriate, it might be seen to be proportionate to ensure that the care service is delivered to the people who are in the home, and the service might need to recruit members of staff to do that.

12:15

**Rhona Brankin:** How do you monitor that, given that a care provider might be under pressure to deliver the service for which they are contracted, perhaps by a local authority, and might have significant staff shortages? How can you ensure that there is no unwise use of staff without Disclosure Scotland checks?

**Ronnie Hill:** We can examine the employment records of the service providers and their staff recruitment processes and procedures. We follow up specific instances. On some occasions, we have complaints about situations. We are empowered to investigate those complaints—in fact, we have a duty to investigate them—and we do so and then report on them.

We would also ensure that we pick up on such situations during our routine inspection. The committee might be interested to know that, with our partners in HMIE, we have specifically chosen to consider the standard on confidence in staff and management during the first round of the integrated inspection programmes, as well as to take account of child protection issues. Both of those are essential ingredients for protecting children.

**The Convener:** We have explored that issue quite deeply. Can we move on to a different area?

**Rhona Brankin:** The Scottish Social Services Council submission states in relation to post-qualifying training:

"Currently registrations of students are good but completion rates are less good."

Why is that happening?

**Carole Wilkinson:** The current post-qualifying framework for social workers is rather cumbersome and not particularly flexible. It has six stages and the trainee has to complete all six to get a complete award. That can be quite daunting when it is coupled with the amount of support that an employer is able to give an individual worker, given all the pressures that you have been hearing about this morning. The SSSC is considering reviewing the framework to see whether the issues of flexibility and timescales can be addressed without diluting the quality of the qualifications, so that we can encourage more social workers to take on different levels of post-qualifying training and broaden the range of training.

**Rhona Brankin:** Will you outline the key features of the national training strategy?

**Carole Wilkinson:** We will seek to give employers broad strategic direction on training by setting out some of the priorities and indicating where we think that the skill gaps and shortages are. For example, we are likely to say things about management training and leadership. We will say things about child protection training and risk assessment training, and we will talk about where training fits into the national policies agenda.

**Fiona Hyslop:** Page 9 of the care commission's submission says:

"The Care Commission is aware that the Scottish Executive is developing service standards ... and we have commented on an early draft. It will be important to ensure that the emerging Child Protection Standards fit well with and complement existing National Care Standards."

Is that happening?

**Mary Hartnoll:** We have a framework for standards rather than standards, so most of that work will happen at the next step. It is important to include the care commission because it is not mentioned that another body would be involved in, say, investigating complaints and other similar issues. We are a new body and we have a role to play in care and protection issues.

**Fiona Hyslop:** Will you expand on that a bit to give us an understanding of where you fit in with what is being proposed? How integral to the process will you be? Will you be involved in implementing the framework as well as forming it?

**Mary Hartnoll:** We are very much involved in the inspection and regulation of care services. Some of the developments in integrated inspection relate to the social work service, which we do not inspect. We have a wider remit in some of the other adult fields, which spreads into health, where we also have a responsibility but, in relation to child protection, we do not inspect the social work service that local authorities deliver.

**Fiona Hyslop:** Your involvement in the multi-agency inspection pilots will relate more to the drafting and setting of what might be expected in areas in which you have responsibility.

**Mary Hartnoll:** Yes. We also have experience in working to standards. That was a very good model, which involved service users and people who really knew what the outcome ought to be. We have experience of the model of developing standards, which involves assessment of how they work in practice and consideration of how to turn an outcome into something against which one can regulate. That is the experience that we have.

**Ronnie Hill:** I will add to that in two ways. Standard 8 in the framework for standards refers several times to agencies demonstrating how

rigorous they are and what kind of policies, processes and procedures they have. I think that we gave you some examples of the actual standards in our submission. You will see that the two sets of standards are complementary; they go in the same direction.

As the ADSW pointed out, the standards in the framework are high level and are not immediately measurable. For services that we regulate directly, we would consider whether they have such policies and procedures in place, examine the adequacy of those policies and procedures and test whether the staff, workers and volunteers know how to use them. That is the critical bit—do folk know what they are doing or are the policies and procedures sitting on the shelf?

We can examine that from a systems point of view, which means establishing whether the organisation has those policies and procedures and whether there are support mechanisms around, which involves considering, for example, whether people are supervised as part of their professional development. We can also examine things from the child's point of view. For example, if we think that there is a problem, we can pick up the service's file on the child—whether that service is a residential care service, a secure accommodation service or a nursery—and can follow that child's life through the service and find out what is documented and whether the appropriate links have been made. Where those links have not been made, we can point that out. That is one strand of what we can do.

I will add to what Mary Hartnoll said about the other strand, which relates to the integrated inspections. We have a statutory responsibility to regulate an expanding range of services. That statutory responsibility needs to be acknowledged in the context of the forthcoming integrated inspection regime, which I understand will have three levels. The first level will relate to the overall organisation and what policies, procedures and so on it has, the second level will be about the delivery of those policies and procedures to particular children, and the third level will be about what that means to individual children and how it affects their lives and experience.

What Mary Hartnoll said is quite right. So far, we have been inspecting against standards that consider outcomes for children, such as what a child's experience in a particular centre has been. In the near future, that will be extended to mainstream school care accommodation services, school hostels and fostering and adoption services, for example. It is critical that private fostering services will be included, as they have sometimes been a bit of a mystery in that they have been under-reported, with the result that the overall numbers might have been under-

represented. We can make direct links and provide direct assistance and collaboration, and we look forward to doing that.

**Fiona Hyslop:** That is very helpful.

**The Convener:** Could I ask you to move on, Fiona? I am conscious of the time. Have you finished in that area?

**Fiona Hyslop:** I was just going to say that COSLA's concern was that starting from scratch seems to have lost valuable time in getting the new frameworks set up. Do the witnesses agree with that?

**Mary Hartnoll:** The model has been around for a long time. We need something to be developed steadily. However, the current model is decent and should be a good one to follow.

**Ms Byrne:** The Scottish Social Services Council's submission states:

"Child Protection Committees could be given clearer responsibilities for developing inter-agency training plans ... They should also see their role as routinely auditing cases to identify ... examples of good practice".

Will the recently issued proposals for child protection committees ensure that they are given clearer responsibility for developing interagency training plans?

**Carole Wilkinson:** Things are moving in the right direction. Whether or not child protection committees work will be down to the individuals who make up the committees and will depend on whether the senior managers of each organisation are committed to the committee's work, own the agenda and genuinely want to work together. In the past, their performance has been rather patchy, although they have perhaps lacked clear direction and clear messages about what they are expected to do.

**Ms Byrne:** Is that direction there now?

**Carole Wilkinson:** It is coming.

**Ms Byrne:** But there is still some way to go, so there are areas that we need to keep an eye on.

**Carole Wilkinson:** Yes. It is only possible to do so much work on qualifying training. A great deal of work is required on work-based, internal, informal and interagency training. That is where I think child protection committees have a particular role.

**The Convener:** I do not think that we necessarily need to put the whole gamut of questions that we asked the previous panel of witnesses, but I invite members to ask about any areas that they feel have been missed, or that they want to deal with.

**Mr Ingram:** This question is about the sharing of information, and is directed to the care

commission witnesses. I was interested to note that you have gone down a particular route in establishing a memorandum of understanding with other agencies concerned, such as health boards and local authorities. Is it a function of your role as a regulatory agency to do that, or does that point the way for how the issue of sharing information between agencies should be approached?

**Mary Hartnoll:** There are so many players. The approach is not unique to the care commission, although it is developing. How organisations relate to each other is important. For example, a child might turn up from local authority area A and go to a nursery in area B. Who investigates if the child is bruised? The answers to some questions like that are clear, but people on the ground need information to be shared. Where do we start?

Memorandums of understanding allow us to work out everything that we possibly can in order to make such sharing of information easier, so that we are clear about what has been agreed and what has not. Some information is highly personal and is only shared if consent has been received to do so. For other information, the safety of the child goes across and above that. The sharing of information is a complicated area. We think that memorandums of understanding are essential for our work. We could not work without clarity over who can share what with whom.

**Mr Ingram:** It was interesting to note that you had triggers in your memorandum. That must be helpful to staff, who will be able to make assessments almost immediately. That will perhaps take away some of the uncertainty that afflicts this area of work.

**Mary Hartnoll:** That is right. We do a lot of interdisciplinary work. There is a large independent health care sector to regulate and sharing information across health boundaries—with nurses, doctors and consultants—is essential to our work. That is why memorandums of understanding have been so essential.

It has usually been easier to share child protection information about individual children with the school, the day nursery and even with the childminder, but there is a need to get down to a clear understanding, to avoid situations in which an individual professional says, "I can't share that information." A structure has been agreed with senior managers, who understand when sharing of information is necessary. Frameworks for sharing information have to be argued out and then written down, which takes time, but they represent the way forward.

question of whether people understand each other when they engage in interdisciplinary working.

We are grateful for your input today. You had the opportunity to listen to our earlier evidence, which you sat through with great zeal. If any issues arose from that—or from anything else—that you think the committee should know about, please let us know. We are aware that you receive a lot of information about the matter that we are discussing and we are keen to have the benefit of your expertise. In the meantime, I thank you for your assistance.

12:30

**The Convener:** I make the observation that the language that different professions use raises the

## Draft School Education (Ministerial Powers and Independent Schools) (Scotland) Bill

12:31

**The Convener:** Item 2 is the proposed school education bill, which will probably be introduced on 29 March. We have before us a paper to prepare us for the task of choosing witnesses; it contains suggestions of people to whom we might want to talk in relation to the bill, which has a fairly narrow compass. Is everyone happy with the list? We can consider the matter further when the bill has been published. Martin Verity has suggested that we should add the Association of Headteachers in Scotland to the list.

**Fiona Hyslop:** I would like to discuss a more fundamental issue—you know that my job in life is to make things easy for you, convener.

I have concerns about the proposed bill. I have had an answer from the Executive, which stated that the powers in the bill would be used only infrequently; I understand that the main need for the bill relates to independent schools. I am not sure that there is a pressing need for us to deal with the matter at this point, apart from the fact that the Executive has asked us to do so. We are a committee of the Scottish Parliament and we can decide what we do and when. There are issues that we should be examining, such as those relating to our child protection inquiry, the national curriculum and how the McCrone agreement is working out. We identified those issues as priorities in our work programme.

As a committee, we can ask the Executive whether it is necessary to introduce the bill and whether the bill is more important than other things that we want to examine. I am not suggesting that we should not examine the bill, but I think that we could do that at a later date.

**The Convener:** I do not think that we are entitled to take up that point particularly strongly. We will soon be faced with a timetable from the Parliamentary Bureau. The issues that you raise go beyond what the committee can deal with.

**Fiona Hyslop:** I disagree. As a former member of the Parliamentary Bureau and as a business manager, I know that we are perfectly within our rights to go to the Parliamentary Bureau and say that we think that our other commitments are more important than dealing with the bill at this point. We can ask the Executive whether it would be all right if we dealt with the bill after the summer recess.

We have an obligation to scrutinise legislation and, in the vast majority of cases, I do not object to doing so. However, given that there is a question about whether the bill is needed at all, we are entitled to ask about the priority that it has been given.

**The Convener:** If we did that, we would be putting the cart before the horse. We do not know the detail of the legislation yet; we need to see what is in the bill. We can argue about the timescale with the Parliamentary Bureau, to an extent, but we will be given a timescale within which we have to produce our stage 1 report. We can make representations about that timescale by writing to the Executive, if we are so inclined; I am not so inclined, but that is my personal view.

**Rhona Brankin:** For whatever reason, Fiona Hyslop has her own views on bill. However, I would be concerned if we were to hold back the bill. As the convener pointed out, the committee has not had an opportunity to hear from the Executive about the scope of the bill.

**The Convener:** We have a reasonably timetabled programme ahead of us. We can fit in our current inquiry and we should be able to produce a report in a reasonable timeframe at the end of it. I do not think that anybody has identified any other immediate pressures that could cause particular difficulty.

**Mr Macintosh:** I echo that point. I disagree totally with Fiona Hyslop that there are pressing matters that we need to deal with before we consider the proposed bill. At the moment, I do not see any urgent inquiries queuing up for us to deal with them. We are debating the issues that we need to consider; there is nothing that I can see that would remove a piece of legislation from our agenda.

**The Convener:** I do not know whether Fiona Hyslop wants to pursue her point; it is up to her. I sense that the committee is not in favour of the idea of making representations on the matter to the Executive or anybody else. I agree that the bill might not be the most important bill that ever was.

**Fiona Hyslop:** That is my point.

**The Convener:** We deal with big bills and little bills; they are introduced in accordance with the Executive's legislative programme. It could be argued that the time to take up the issue was when the legislative programme was debated at parliamentary level. Ultimately, it is a matter for the Parliament to deal with the Executive's legislative programme. It is our job to process bills when they move through their stages in committee.

I do not think that specific issues arise, but if they do, we can deal with them in the same way that we have dealt with, and will continue to deal

with, many important matters. Our priorities could no doubt be arranged differently, but I do not think that we are under particular pressure to produce something by the Easter recess, the summer recess, or whenever, that would prevent us from dealing with the proposed bill.

If I may, I will move on to the list of suggested witnesses.

**Dr Murray:** We have a tendency to have too many witnesses and to overburden our oral evidence sessions. I wonder whether we need to have the Association of Directors of Education in Scotland and the Convention of Scottish Local Authorities, given that COSLA will probably send a director of education as one of its witnesses. Indeed, do we need to have Her Majesty's Inspectorate of Education and the care commission, given that both organisations are involved in inspection? We can probably whittle down the number of witnesses.

Last week, we had a very long session. Two police officers from Dumfries and Galloway had to wait for about two and a half hours before they gave their evidence. They would have had to set out at about 7 o'clock in the morning to get to Edinburgh for 9.30. Could we not have an indicative timetable that showed when witnesses would be taken? If we had that, witnesses would not have to sit through hours of other people's evidence before they gave their own evidence.

**The Convener:** I think that witnesses are given an indication of the likely timescale of the meeting. Some of them choose to sit through the evidence of other witnesses out of interest.

**Dr Murray:** We are not given an indicative timetable in our papers. It might be helpful for us to have that, as we could curtail our discussions if we knew the times to which we were working. As the convener knows, members can expand what they say to fill a meeting if required.

**The Convener:** That is absolutely right. However, the slight difficulty is that the indicative timetables do not always work out. For example, this morning, the indicative timetable allowed too little time for the first panel and perhaps too much time for the later panels—things did not work out in the way that the meeting was timetabled. I do not think that there is a difficulty, however, in letting members see the indicative timetable.

**Ms Byrne:** It is important that we hear from both HMIE and the care commission; I do not want either organisation to be taken off the list. I think that HMIE's remit is getting bigger, and we should find out how that will fit into all of this. We heard from the care commission today about the crucial role that it plays and it is important that we hear from its representatives on the subject of the bill.

**The Convener:** Following our discussions today, I wonder whether it would be helpful to seek written evidence from those bodies, as is our normal practice. We could look at the submissions and see whether we can eliminate people. I take Elaine Murray's point, but, as Rosemary Byrne rightly said, there are interesting things that we might want to hear from the two different inspection regimes. Once we have seen the submissions and had sight of the bill, we will be clearer about the key points. It might be possible to prune the witness list at that point.

**Ms Alexander:** The list looks a little bit parochial. We are inviting people to anticipate what they believe will be in the bill. However, 150 miles away, south of the border, a system of intervention in schools is in operation, with which there are parallels. I wonder whether we should hear something about, for example, how intervention powers—albeit that they are slightly different—operate south of the border. That might be more valuable in terms of establishing the workability of the legislation.

It might be more valuable to hear evidence from south of the border than to hear from, to take one example, the Scottish Council of Independent Schools, which should be given a time and a place that is commensurate with its significance in the Scottish education system.

**The Convener:** Yes, but we need to recognise that the council will be called to give evidence not on that aspect of the bill, but on how the bill will affect independent schools.

**Ms Alexander:** As I said, I suggest that the council is given a place that is commensurate with its place in the overall system.

**The Convener:** The crucial point is that its place should be commensurate with its relevance to the bill. Let us not be ridiculous about the issue.

Wendy Alexander's other point related to the possibility of our looking at the English experience in this context. I am not overwhelmingly convinced that the bill is as broad as to require that. I am not against the suggestion per se, if members support it.

**Rhona Brankin:** It would be interesting.

**The Convener:** Yes, but is it hugely relevant to the scope of the bill? I understand that the bill is, in large measure, a tidying-up mechanism. I understand that it is being introduced to fill a gap and not as a major reform of the current regime.

**Dr Murray:** Could we ask the Scottish Parliament information centre to do some work on the subject? Perhaps it could produce a background paper for us.



**The Convener:** That is a helpful suggestion, which the clerks confirm would be feasible. We could ask for some comparisons with the English system. Is that what you had in mind?

**Dr Murray:** Yes.

**The Convener:** I hear the different points of view that have been expressed and they will be taken on board. It is a bit awkward for us to consider the paper before having sight of the bill. However, part of the reason for bringing up the subject now is to avoid our wasting too much time when the bill is introduced. That will happen in a few days, by which time we will have set up the people who will be called as initial witnesses. They will probably be the people who have been involved in some of the discussion about the bill.

I have taken on board the suggestions that have been made, including the suggestion for SPICe to prepare a background paper. Would it be in order for the matter to be delegated to the deputy convener and me? We could at least try to finalise the provisional list of witnesses. We could take into account any comments that were e-mailed to the clerks. Are members happy with that suggestion?

**Members** *indicated agreement.*

**The Convener:** I accept that once the call for evidence goes out, other people might materialise out of the woodwork. I suspect that, in the case of this bill, that might not happen, but if it were to happen we would have to look at the subject again. There is not much more that can be said on the proposed timetable for the bill at this early stage. As members have no further observations to make, I close the meeting.

*Meeting closed at 12:42.*



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