

EDUCATION COMMITTEE

Wednesday 24 May 2006

Session 2

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CONTENTS

Wednesday 24 May 2006

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ADOPTION AND CHILDREN (SCOTLAND) BILL: STAGE 1	3275
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EDUCATION COMMITTEE

13th Meeting 2006, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

Ms Wendy Alexander (Paisley North) (Lab)

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

*Fiona Hyslop (Lothians) (SNP)

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

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Mr Jamie McGrigor (Highlands and Islands) (Con)

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

Mr Andrew Welsh (Angus) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Anne Black (Fostering Network Scotland)

Gary Clapton (Birthlink)

Beth Gibb (Adoption UK)

Marie Hindmarsh (Foster Care Associates)

Lynne Isaacs (Fostering Network Scotland)

Fiona Lettice (Adoption UK)

Kate McDougall (Birthlink)

Hugo Perks (Adoption UK)

Bryan Ritchie (Fostering Network Scotland)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education Committee

Wednesday 24 May 2006

[THE CONVENER *opened the meeting at 10:02*]

Adoption and Children (Scotland) Bill: Stage 1

The Convener (Iain Smith): Good morning, colleagues, and welcome to the 13th meeting in 2006 of the Education Committee. Our main item of business is further evidence taking on the Adoption and Children (Scotland) Bill.

Before I introduce the first panel, I draw members' attention to the small volume of written evidence that we have received this morning, which I am sure you are looking forward to reading over the next few days. Although our oral evidence sessions have been decided on, if any issues emerge from the written evidence on which you feel that we ought to take oral evidence, please let me or the clerks know before next week's meeting and we will consider whether we can squeeze in another panel. It would be tight, but we could probably do that. I would not want us to miss an important issue that came out of the written evidence.

The first panel consists of representatives from Adoption UK and Birthlink. From Adoption UK are Fiona Lettice, who is the manager; Beth Gibb, who is a member of the organisation's advisory group; and Hugo Perks, who is a trustee. They are joined by Birthlink's co-ordinator, Kate McDougall, and its adviser, Gary Clapton. I welcome you all. We have received your written evidence, but you may make a brief opening statement before we move to questions.

Fiona Lettice (Adoption UK): We welcome the bill's introduction and the opportunity to provide the committee with written and oral evidence on it.

We have consulted our members in Scotland as widely as possible on pertinent adoption issues that they face. We have around 200 family members in Scotland and when we sent out a questionnaire, we received detailed replies from 100 of them on their experience of adoption. Our response is based on those replies, alongside the body of knowledge that Adoption UK as a whole has.

We welcome the bill's general principles, which are about improving, modernising and extending the adoption system, and we support the proposal that will allow unmarried couples to adopt jointly. We welcome the fact that local authorities will

have a duty to provide a range of adoption services and the fact that, as a stated part of the adoption process, people will be made aware of the support services that are available to them.

However, the experience of our members over many years makes it clear that children who enter the care system and who go on to be adopted often have highly complex needs. Many of them have suffered neglect and abuse and all of them have experienced early trauma. That means that adopted children are among the most vulnerable children in society. They cannot return to their birth families because those families could not provide safe and secure homes.

An effect of early trauma and abuse and/or neglect is that many children who are placed for adoption cannot attach to their primary care givers, which means that parenting such children can be extremely difficult. We feel that adoption is often regarded as the end rather than the beginning of the story. The services to which looked-after children have a right do not extend to adopted children, even though those children are one and the same. We feel that there is a lack of understanding of those issues among professionals and that the provision of therapeutic services throughout Scotland is insufficient. Many adoptive parents are blamed rather than supported when they have problems.

It follows that there are certain key issues that the bill must address. Given that more children from chaotic backgrounds are entering the care system, the need for therapeutic services for adopted and looked-after children has never been greater. Those services should not be seen as a last resort; they must be accessible and available as part of the continuing provision of adoption support services.

We feel strongly that three-year care plans are highly misleading because they do not address the continuing needs of adopted children. Some problems may become manifest years after an adoption has taken place. Services must continue to be made available into adulthood and—as other witnesses will say—in many cases, beyond.

We believe that the awarding of adoption allowances should not be considered to be something that is done in exceptional circumstances and that local authorities should set realistic allowance levels. Parenting traumatised children comes at a price. Families need a realistic amount of resources, which should be provided up front and transparently.

Our final point is that the information that is shared with an adoptive family about a child's medical and early life history can make the difference between a successful adoptive placement and a breakdown. We urge that all

information about children who enter the care system should be written as accurately and fully as possible and that it should be shared with adoptive parents, provided that legal restrictions are met.

The Convener: Thank you for those remarks. Gary Clapton will make Birthlink's opening statement.

Gary Clapton (Birthlink): We do not intend to supply any more written evidence. There is a two-word typo that needs to come out of a footnote at the bottom of our second page; I will speak to the clerks about that. Members might be pleased that they will have even less to read.

Thank you for inviting us. My colleague Fiona Lettice mentioned that adoption is the beginning of the story. Our view is that the adoption of a child generates needs that last a lifetime. That applies to adopted adults and to birth mothers, as well as to other birth relatives such as birth fathers. In our view, the bill suggests that post-adoption services will be available while the adopted child and the adoptive parents are a family unit. We would say that that proposal will exclude thousands of adults from the statutory provision of official help and support.

We have brought along copies—there is one for each member—of a publication that is called, "Relatively Unknown: A year in the life of the Adoption Contact Register for Scotland", which contains little stories about some of the people who are out there. For example, when I worked for Birthlink, I dealt with a 49-year-old woman who had found out at the funeral of her only remaining parent that she was adopted. She wanted advice on how to address her distress and pain and how to go about finding out about what existed of her birth family.

Birthlink deals with 60-year-old birth mothers whose children were relinquished for adoption 40 years ago and who have never stopped grieving for their children, and 35-year-old men who were adopted and who want to find their 70-year-old birth fathers. The needs exist—the research and the stories are contained in the book that I mentioned earlier. There is a four-month waiting list for services.

Our key proposal is that more support should be provided for the adoption contact register for Scotland, which provides a mutual meeting ground for adults who were adopted and who would like to find out more about their birth families, and birth families who want to find out how their children have got on in life. That clear and concrete service for adults is underpublicised. Among professionals and the public, not many disagreements arise about the value of the service.

The Convener: I have an introductory question. Adoption law is complex and needs to balance the rights and interests of the child with those of the natural and adoptive parents. Does the bill get that balance right?

Kate McDougall (Birthlink): For current placements, the bill is in line with the need to support all people who are affected by adoption. However, the bill does not go far enough to deal with the needs of adults who have been affected by adoption in the past.

The Convener: Will you elaborate slightly and say where the bill does not go far enough?

Kate McDougall: At present in Scotland, the ability of birth families and of people who were adopted—such as those whom Gary Clapton mentioned—to access information and services varies according to their postcode.

Gary Clapton: We have concentrated on chapter 4 of the bill, which is on post-adoption services. We find a clear suggestion that post-adoption services do not amount to after-adoption services. Members may think that that is a semantic distinction but, in essence, when we talk about after-adoption services, we are thinking about adults who were adopted as children. As our written submission states, the number of such adults in Scotland runs into hundreds of thousands. As a result of the Scottish diaspora, those people live throughout the world, in places such as New Zealand, Australia and the United States. All adults who have been affected by adoption have needs that the adoption created. Adoption is not simply the transfer of a vulnerable child to a caring family; it has many repercussions. The chapter on post-adoption services does not seem to tackle the notion that adoption is a lifelong process that does not stop until a person dies.

The bill gets the balance wrong. It does not deal with the 49-year-old daughters and 60-year-old mothers whom I mentioned. Many vulnerable children need resources and good families to look after them, which is an issue that the bill rightly addresses. However, there is no balance with the issues for adults who were adopted. When an adopted person reaches 18 and goes on in life and perhaps marries and has children, they still have needs. They have identity and curiosity needs and issues arise about DNA and genetics. Alongside that are the needs of birth parents, who carry on wondering how their kids have got on. The "Post-adoption services" chapter does not strike the right balance between adopted children and adopted adults. I hope that that provides a wee bit more clarity.

10:15

The Convener: Ken Macintosh will be asking further questions on that subject soon, but

perhaps the Adoption UK witnesses wish to say something about it first.

Beth Gibb (Adoption UK): I support what Gary Clapton says but, as far as adoptive parents are concerned, there seems to be an assumption that services are available but that we are simply not finding them. I have worked for 10 years helping families to access services. It is difficult enough to do that; what is more, the services on offer are not specialised in dealing with the needs of a traumatised child. I am afraid to say that the professionals, including social workers and even mental health professionals, are not knowledgeable about attachment and how early trauma can disturb a healthy attachment to the new care giver. I would like a lot more training to be offered to professionals. Adoption UK offers training for both parents and professionals. We have studied attachment, disrupted attachment in particular, for 20 years. It worries me how many adoptions are being disrupted because the right services are not there.

Mr Kenneth Macintosh (Eastwood) (Lab): I will continue the theme that Gary Clapton and Kate McDougall have been discussing. The Adoption UK submission says:

"there is no 'duty' on local authorities to provide adoption support services".

Perhaps this is just my reading of the bill, but I thought that the bill introduces such a duty. Further down page 2, you go on to say:

"There is the risk that, in effect, these clauses will limit the support that many adoptive families will be able to receive in the task of parenting traumatised children."

Could you also elaborate on the idea of post-adoption and after-adoption services?

Hugo Perks (Adoption UK): We find the bill a little difficult to read in some respects.

Mr Macintosh: So do we.

Hugo Perks: The distinction that the bill makes between the provision of adoption support services and the provision of post-adoption support services could lead to some confusion. Under section 8, the provision of adoption support services is at the discretion of local authorities, as the explanatory notes make clear. However, according to section 49, it appears to be mandatory for the local authority to provide the assessed services in cases where an assessment has been carried out. We believe that the second of those models is the correct one.

As a United Kingdom body, we would like to highlight one of the things that is severely wrong in England. There, it is the model that is set out in section 8 that appears to be getting followed. Local authorities will be going to great trouble to carry out assessments, which will lead to the

hopes of parents being considerably raised. For resource reasons, councils might decide that they will not provide any of the services that have been identified as necessary. I need not comment on that, need I? Clearly, that would be very damaging to all concerned.

Mr Macintosh: Perhaps we should clarify that point with the minister. My understanding was that the bill not only places a duty on local authorities but hugely increases the range of people who can be identified as needing assessment, and who would therefore receive support.

Hugo Perks: We agree with that in a broad sense and we entirely support it. The problem is that, although the bill places a general duty on local authorities to provide support services, when we get down to those specific services that authorities are to provide to individual families, the bill is lacking, in that it does not lay sufficient responsibility on the local authorities.

Mr Macintosh: Gary Clapton made a good point about this earlier. The Birthlink submission deals with the difference between post-adoption and after-adoption. I think that I understand it, but could you clarify that distinction?

Could you also expand on your opinion that the services are "under-funded", and that they are provided

"on a post-code lottery basis"?

Will you explain what that would mean to an adult needing support in, say, the Highlands rather than in the central belt or the west of Scotland?

Kate McDougall: The services that someone is offered very much depend on where they live and which local authority they approach. For instance, of two local authorities in rural areas up north, one may have a policy under which the birth relative can access the service to try to trace the adopted adult and the other may have a policy under which the birth relative can only leave a letter on a file.

Mr Macintosh: Contact is an important issue—it is perhaps the main support service for adults and it was a big issue for the adopted adults whom Adam Ingram and I met. They said that the trauma—that is probably too strong a word—or difficulty that they face as adults is that they do not know where to access services, all of which are provided on a voluntary basis. They implied that they stumbled across them.

Kate McDougall: Yes. That is our understanding too. People do not know where to go for a service and when they do approach their local authority for a service, the social workers do not know where to find it.

Gary Clapton: It is more than that, though. It is those adopted adults' right to the service. It is

strange and should not be the case that an adopted adult might not know where to go and, if they go somewhere local, that the people whom they deal with might not know how to deal with them. We have evidence of people managing to get a service only through the mental health services. An adopted adult might have to demonstrate that they are in distress because of their adoption in order to trigger money, resources and support. Otherwise, given the way in which local authorities' resources are going at the moment, they go to the bottom of the pile. That is demeaning and it should not be the case. Most adoption funding comes through children and families funding and, as you know, adults are dealt with through the community care streams. Community care streams are pretty rigid when it comes to that issue, so an adult would need to demonstrate that they were in distress. Alternatively, a birth mother, for instance, who wanted support or somebody to talk to, would get short-changed unless she was able to show that she needed a psychiatric nurse and that she was so distressed that she was a risk to herself. We do not think that that is proper.

Mr Macintosh: I acknowledge what you are saying, but does the bill not address those issues? It places a duty for the first time on all local authorities and recognises the needs of the wider adoptive community.

Gary Clapton: You are right in the sense that the bill gives quite a long list of people who are affected by adoption. That is welcome but, in the context of the whole bill, the suggestion is that the services that might be available will be available at the time of adoption, in the period leading up to adoption and possibly just after adoption but not a couple of years, or indeed 50 years, down the line. That list of folk such as grandparents, uncles and aunts is useful, but the suggestion in the rest of the bill seems to be that folk who are affected should get support in the lead-up to, during, and possibly just after adoption. We do not think that those services would be readily available in the after-adoption period—once the adopted person is an adult, which is the distinction that I was making earlier—given that the bill seems to be concentrating on vulnerable children.

Mr Macintosh: That is helpful. I wish to ask Adoption UK about that. You highlight the time limit of three years in care plans. Is that part of the same picture? Three years is a cut-off and services might just end after that.

Fiona Lettice: We cannot understand why that figure has been latched on to, unless it is on the basis that a local authority has a duty to provide services for the first three years after a child is placed. In our experience, adoption is a lifelong matter. At key stages in children's lives, adoption

issues come back; it is quite often when they hit teenage years—16, 17 or 18. At that stage, it is very hard for the adoptive parents to access the appropriate services. They find it hard to go back to the local authority that approved them as good parents and say, "We have a problem here." By that time, the problems have become big problems. People are often sent to a local child and adolescent mental health services team that has no great knowledge of the case, including of the attachment issues. The adoptive parents are often blamed and things can get out of hand.

Our concern with the three-year care plan is that, by the time that the child is 12, 13 or 14, problems that could have been resolved with specialist therapy when the child was two, three or four are much more difficult to resolve. The child has become bigger and stronger and the issues can no longer be contained within the family home.

Mr Adam Ingram (South of Scotland) (SNP): I have a couple of follow-up questions on the subject, the first of which is for Birthlink. You said that you thought that the bill has not got the balance right in this regard. Surely when we talk about children who are put up for adoption, we are doing so within a different context these days. We are talking about children who have been taken into care, which means that there will be contact with the birth family. The bill goes a considerable way to systematising or allowing that to happen further down the line.

Surely, in the future, the issues that you are talking about will not be as significant a feature as they have been in the past. Previously, babies were given up for adoption by mothers because they had the child out of wedlock and all that type of thing. Do you not agree that the main focus of the bill should be on the post-adoptive services that Adoption UK is talking about and not on the "after-adoption services" that you are advocating?

I also have a question for Adoption UK on its suggestion that there should be

"an independent system of assessment"

of families' needs post-adoption. What do you mean by "independent"? Do you envisage a system that is independent of the local authorities? I assume that it would be used to assess the needs of adoptive families and the children who are put up for adoption. Surely the local authorities should be entrusted with the establishment of those needs?

Fiona Lettice: Do you want to go first, Gary?

Gary Clapton: You go ahead with the last question, Fiona. I promise not to ask for the first question to be repeated.

Fiona Lettice: Usually, when children are taken into the care system, they come from a chaotic background and have suffered the trauma of early life abuse. The children may then be in care for two or three years. Very often, the nature of their early life experience is not accurately detailed. Children who should not be placed together in an adoptive home are placed in that way. For example, a group of four siblings are put into one adoptive home. They can still have contact with or see one another but their early life experience makes them unable to live together. If they do so, they will act out against their siblings some of the domestic violence that they have experienced, such as sexual abuse.

We find that not enough attention is given to the needs of those children. Local authorities may not have the expertise to decide whether such children should be placed together. In our submission, we say that we would like to see the establishment of a specialist centre. Some people see that as a dream, but the reality for adoptive parents and everyone who is involved in the adoption process means that we need a clearly stated place where people can go to discuss the issues. In view of the very different sizes and natures of the local authorities and voluntary agencies, individually they do not have the specialist knowledge to deal with the sort of children who are coming into the care system today.

10:30

Hugo Perks: You asked us to address the question of independence. It is to do with the experience and training of local authority staff, as Fiona Lettice has said. All that we are asking is that some degree of guidance be given centrally on what issues will be taken into account in assessments of needs and that there be some monitoring of the way in which the assessments are carried out. In other parts of the UK, the assessments that are carried out are patchy and perhaps resource constrained within local authorities. Does that answer the question?

Mr Ingram: Yes. Your written submission also talks about the need for a specialist centre in Scotland—a centre of excellence or a centre to which the local authorities or other organisations could refer.

Hugo Perks: Absolutely.

Beth Gibb: We have had 200 adoptions in one year, but the number has been going down over the past five or six years. Professionals are not allowed to gain huge amounts of expertise, as some authorities do not oversee any adoptions for perhaps two or three years. The skills for the tasks are diminishing.

Gary Clapton: Your question was about the balance. For us, it is not a case of Birthlink rather than Adoption UK—far from it. It might surprise members to learn that, within the past year, the oldest person to register on the adoption contact register was an 83-year-old woman. Given the fact that there have been nearly 83,000 adoptions in Scotland since the figures were first recorded, an enormous number of adopted adults exist who could be helped by services for adults in Scotland. We have done some complex maths and have worked out that, given that, for every adoption, there is at least one birth mother and one father—he is there at conception, at least—the number of adults who have been involved in adoptions remains around 250,000 folk. I do not want to blind everybody with facts, but that is an awful lot of adults who will continue to need an adult service.

As we say in our written submission, we recognise the importance of getting homes for vulnerable kids whose birth families cannot look after them. However, as to the question of times changing, we think that the jury is still out on all the arrangements regarding contact after adoption and letterbox updates every year for birth families. The research does not tell us very definite things about that.

Although, if you forced us to choose one or the other, we would obviously want homes for vulnerable kids, we would not like to see it as a case of us or them—far from it. There are an enormous number of adults out there who will continue to have needs that have been generated by the decision to adopt.

As was said earlier, there is an enormous amount of heat around the adoption process and the act of adoption. Sometimes, that is it—once people have signed the forms, it seems as though the package is dealt with. Support certainly does not come to adoptive families three years later—they feel like mendicants coming to the services and asking for help—and 23 years down the line it is even worse. However, we do not want to make it a case of us or them in this matter.

Fiona Lettice: Not a week goes by without someone ringing the Adoption UK office in Edinburgh looking for information that has to be handled by Birthlink. We continually get calls from people who are trying to find children who were given up for whatever reason. The problem lies in the fact that the organisations deal with distinct issues and both are needed. The muddle is a result of the fact that adoption is still portrayed in the media as relinquished babies. Yes, they have all their issues and need the services, but children today are very different. We need both sets of services.

Dr Elaine Murray (Dumfries) (Lab): I want to ask about section 100, which deals with post-order

contact applications. It is proposed that section 11 of the Children (Scotland) Act 1995 be amended to allow people who have, because an adoption order has been made, lost parental responsibilities and rights to apply for a contact order. Adoption UK's written submission states that it sees the need to change section 11 but thinks that there should be safeguards in the legislation for adoptive families. What safeguards would be appropriate?

Hugo Perks: There is apparently no limit on the number of times an application could be made, which could be both costly and emotionally damaging to the adoptive family. The main part of our contention is that people should not be able repeatedly to make applications that are disruptive to the adoptive family.

Fiona Lettice: We understand the need for change. There are sometimes cases, in step-parent adoptions and so on, in which circumstances change and people want to regain parental rights. However, we feel that once a child is in a permanent family, there would have to be a good reason—which the birth parent would have to prove to the court—for a contact order to be made. We understand why that might be necessary, but we would be concerned if there were repeated applications.

Dr Murray: It has been suggested to the committee by the British Association for Adoption and Fostering, among others, that birth parents should seek an order under section 11 of the 1995 act only with leave of court. Do you see any problems in that?

Fiona Lettice: No. That would have to be done with leave of court.

Dr Murray: The Faculty of Advocates thinks that that might increase the amount of contentious litigation.

Fiona Lettice: We agree with the BAAF on the issue.

Dr Murray: What is Birthlink's view of the proposal?

Gary Clapton: We do not have any views on the matter—it is outside our remit. We are here to talk about adults in adoption.

Dr Murray: You do not have any particular feeling about the matter.

Gary Clapton: No.

Dr Murray: Birthlink's written submission suggests that we need to legislate for a service to facilitate contact between birth families and adopted people. Is legislation necessary to do that? Would not the General Register Office for Scotland be able to do what you suggest without legislation?

Kate McDougall: Yes.

Dr Murray: So, the register that you seek, which would link the adoptive names with the birth names, could be created without having to be included in the bill.

Kate McDougall: Yes.

Gary Clapton: That could be dealt with.

Mr Macintosh: You talk about the contact orders not affecting adults. I understand that—in the legal sense in which we are talking about contact—but adults want the right to contact their birth parents, and birth parents want the right to contact their adult children. Will the bill affect that in any way? I know that it is a slightly different issue that is about information as much as anything else.

Gary Clapton: As far as I am aware, contact orders are set up to deal with post-adoption contact while the adopted person is still a child. That is why the matter is, as I said, outside our remit.

Of course people want to contact each other and there must be ways of facilitating that. In our oral submission, we have concentrated on mutual meeting places and a contact register, but in the other part of our submission we talk about facilitating, through intermediary services, contact between the birth parents and an adopted adult. Perhaps that can be dealt with elsewhere, rather than through legislation. Does that answer your question?

Mr Macintosh: It does. The word "contact" is confusing because it has a legal meaning when we talk about parental rights and responsibilities towards a child, and a different meaning when we talk about a contact register. Your submission lays great emphasis on the importance of parents and adults who have been adopted exchanging information—perhaps that is the best phrase. I am trying to work out whether the bill will do enough or change the legal situation. At the moment, I think that parents and adults who have been adopted have the legal right to try to make contact, but birth parents do not have the right to be given information. The bill will not change that, which is how things should be.

Gary Clapton: It will not. There is currently a one-way street for adopted adults who can access their original birth details. I think that they can look at their court records and their original birth certificate, which will contain details of their birth family, when they are 16. They can then use intermediaries, do work on the internet, turn up on people's doorsteps and so on. Part of the reason for the existence of the contact register is to obviate such doorstepping. However, adopted adults can do as I have described.

I mentioned a one-way street. Birth relatives who would like information and news, or to make contact, have only the contact register as a means of contact. There is, of course, no guarantee that the other party's name will appear on the register when a person puts their name on it. Consequently, birth parents do not have the ability to set in motion a process via professionals through which they would ultimately get news. An adopted adult who is contacted could decline to give further news. As I said, there is currently a one-way street. Our written submission covers the matter.

Mr Macintosh: There does not have to be legislation in the area, but I wonder whether there should be. From the evidence that we have received, we have been struck that all the adults said that they did not want their birth parents to have the right to contact them, but no one—I think—would have minded somebody merely trying to make contact with them. I wonder whether birth parents should at least have the right to know that their child is alive.

Gary Clapton: We think that they should have that right and that such matters should be handled sensitively and professionally through intermediaries.

Mr Macintosh: Should that right be included in the bill?

Gary Clapton: We have not thought that through yet—we thought that we would put down a marker. If regulation and guidance cover the matter, that will be fine, but we do not have a view on whether it should be enshrined in law. I am sorry.

Ms Rosemary Byrne (South of Scotland) (SSP): I have a question for all the panel members. Will the proposals in the bill relating to permanence orders achieve the desired policy aim of providing increased stability for children?

Fiona Lettice: We support permanence orders in principle, but we have concerns about them. One of my main concerns is that children might be placed with people who have been approved as adopters, in the same way that children are currently fostered with a view to adoption, and then find that they simply end up with a permanence order, which is not what was planned at the beginning.

My other concern relates to the role of the children's hearings system. People have to jump through hoops twice to get children placed for adoption. They do not go through only the court system to protect the child—they must also go through the hearings system, which can mean that a person must go back to court and the hearings system. A long process is involved. We are concerned that guidance is needed so that the system is not slowed down even more.

Ms Byrne: Your submission talks about the complicated processes that can result in additional delays for children in the care system. You say that you would like clear guidance. What kind of guidance would you like? Where should it sit?

10:45

Fiona Lettice: When a child is taken into care, the care plan is often not assertive enough about the child's needs. Many times, children are sent back to their birth parents then back to foster homes and end up having multiple placements. Let us be frank: children have only one chance at a childhood. Many children who are looking to be placed for adoption are aged seven to 10, but they first come into the care system at the age of two. There seems to be a lack of decision making about the future of the child. We find that that exacerbates our problems when we try to attach such children. They have had multiple moves and have gone back into chaotic backgrounds and back into care. Not knowing where their future will be does not help the children or their adoptive families. We think that decisions should be taken swiftly. We know that a huge decision is involved, but once it has been made, it should be moved through promptly.

Ms Byrne: Does that relate to how the care orders should be managed, to the potential for adopting or not adopting and to whether permanence would be part of that?

Fiona Lettice: Yes, because some children cannot be placed for adoption—we understand that adoption is not an option for some, who would be better with permanence orders. However, the problem is the speed at which things are done. When the adoptive parents and the child work with a local authority and get adoption support, they usually get the use of a family solicitor, but birth parents often do not have that privilege. They end up having a criminal solicitor or an inexperienced solicitor who views the situation as being about winning the case.

I have met many families who felt that if the right help had been given to the birth parents about what was practical and what would happen in the future, the whole adoption process could have been much easier. However, when birth parents are forced into using lawyers who are not experts on the issues, they are pushed down a road that they would not necessarily have gone down if they had had the correct support.

Ms Byrne: Would it be possible for Adoption UK to tell us in a written submission what kind of guidance is required?

Fiona Lettice: Yes.

Ms Byrne: That would be helpful. I pose to Birthlink the same general question I asked Adoption UK about permanence orders and achieving their aims.

Gary Clapton: Thanks for the question but, as I said in response to another question, that issue is outwith our remit because we deal with adult adopted people and adult birth relatives. I hope that you do not think that I am being rude—what you ask about is just not part of our services or our experience

Ms Byrne: That is fair enough. I will go back briefly to Fiona Lettice of Adoption UK. Do you think that the guidance on permanence orders should include kinship care and an examination of the possibility of permanence orders going to members of the extended family?

Fiona Lettice: Yes—we would support that.

Lord James Douglas-Hamilton (Lothians) (Con): Is there an unspoken presumption against elderly people adopting?

Fiona Lettice: No, I would not say that there is. Most local authorities have tried their best to extend the range of people who are allowed to adopt. We find in adoption that it is very much horses for courses. Many people who traditionally might not have been accepted to adopt can make the best parents and can make a difference to a child's life.

Lord James Douglas-Hamilton: Is it likely that more older people will be allowed to adopt in the future?

Fiona Lettice: We would hope so, if they have the kind of safe and secure home that we are talking about and the ability to be a family unit.

Lord James Douglas-Hamilton: Will Gary Clapton say a word about step-parent arrangements and whether, in his view, they work well in cases of adoption and should be used in place of adoption?

Gary Clapton: I am sorry—step-parent adoptions are another part of the vast continuum of adoption services that fall outwith our experience. Such adoptions do not feature in our proposals.

Lord James Douglas-Hamilton: Perhaps Hugo Perks will comment.

Hugo Perks: I defer to Fiona Lettice.

Fiona Lettice: Some people approach Adoption UK because they want to adopt stepchildren, but we usually refer such people to Stepfamily Scotland. There are laws about stepfamily adoptions. Section 100, which we have discussed, might apply to someone who had given up rights and had allowed their child to be adopted by a

stepfamily, but who wanted to become involved again because something had happened to the step-parent. In general, we do not have a view on stepfamily adoptions.

Mr Frank McAveety (Glasgow Shettleston) (Lab): I have asked all previous witnesses about adoptions by unmarried or same-sex couples and I want to ascertain whether research evidence backs up concerns that have been expressed to members. We have received a number of inquiries from faith groups, which suggest that such adoptions could have a negative impact on children's experience. Does your experience lead you to think that there is validity in such claims?

Fiona Lettice: No. Because so many children who have complex needs enter the care system, the further we widen the range of people who meet the criteria to adopt, the better. In some cases, children cannot be placed with an adoptive parent of a particular gender because of the abuse that they have suffered in the past. Every adoption case is individual; the main criterion should be the existence of a loving, supportive and stable relationship.

Older children might have views on being placed with a same-sex couple. A child who enters an adoptive family at the age of nine, 10 or 11 will bring enough baggage of their own. Such a child would be able to say whether they would be happy with the arrangement.

Gary Clapton: We have no official position on the matter, but I broadly agree with Fiona Lettice.

Fiona Hyslop (Lothians) (SNP): I apologise for being late. I was unavoidably detained—

The Convener: Fiona, your microphone is facing in the wrong direction. We can all hear you, as usual, but your comments must be recorded.

Fiona Hyslop: Sorry.

Adoption UK calls for a national scheme for adoption allowances, but the Executive's consultation paper said that local authorities are in the best position to judge the appropriate level of allowance. How do you respond to that?

Fiona Lettice: There will be a national system of fostering allowances—which are, in essence, maintenance allowances—and there should be a level playing field for adoption allowances so that the system can be transparent. Quite often, the adoption allowance is discussed when a person is being linked with a child, which is perhaps not the best time to discuss finances. All children who come into the care system have complex needs, and parenting them is not like parenting birth children. Finances for therapeutic services are important.

Fiona Hyslop: I was alarmed by comments on page 2 of your written submission, where you talk about a lack of therapeutic services. Some adopted children come from very difficult situations. For example, they might have been sexually abused. Why are such children not receiving support? The committee has considered legislation on additional support for learning: any condition that is so severe that it requires continual therapeutic services should receive local authority support regardless of whether the child is adopted. Will you explain more about your concerns about therapeutic services?

Fiona Lettice: As we have said, the public's perception of adoption is of relinquished babies. When people hear that you are adopting a child, they pat you on the head and say, "Aren't you doing a great job?" There is no understanding of attachment and the effects of early trauma on children. When children are taken to school, and they start acting up in some way, people say, "But they're adopted." Those children do not have the continuing support that looked-after children have. We do not tick the right box.

We have to explain year after year why one cannot ask a child in primary 1 to bring in a picture of what he or she wore just after he or she was born, or what colour their hair was when they were born. It is very simple stuff, but we find on the whole that people just do not get it. They regard adoption as being the end of the process, not as part of something that the children will deal with throughout their lives.

It would be useful if education authorities understood more about attachment and trauma. Adopted children often become completely overwhelmed in classrooms. They cannot concentrate because they are worried about all sorts of things. They are then regarded as naughty children, although their behaviour relates to their experiences early in life. We have a continuing battle with teachers to get them to understand the needs of adopted children; looked-after children can be more easily dealt with.

Some people want to adopt a child and, without drawing attention to the fact, just get on with their lives. However, such children often cannot hold themselves together at school and therefore present problems. People do not consider that that might have something to do with the children's experiences in early life. Often, too, the adoptive parent is blamed for a child's behaviour, and people say, "You can't manage that child."

Fiona Hyslop: I take it that there is a huge spectrum of behavioural difficulties, from minor to major.

Fiona Lettice: We can provide case studies. Throughout Scotland, children have been

excluded from school because they simply cannot manage school. They cannot manage the chaos of moving from one classroom to the next. Children who have suffered trauma in early life often cannot regulate their stress. Either they are hypervigilant or they disassociate, and in a classroom setting they cannot do what is expected of them.

Although there is a wide spectrum of behavioural difficulties, the children who come into the care system come from chaotic backgrounds. They are the ones who are not going to go back home; there is no chance of rehabilitation. Although those children are the most damaged, they are not seen in that light, but are seen as the children for whom we have a solution through adoption.

Fiona Hyslop: We seem to come back to the point that adoption is a process and not a solution or an end result.

I want to ask the witnesses from Birthlink a question, and to thank them for the meeting with birth parents that was held for some of us. I was struck by paragraph 5 of your written submission, about the sheer scale of the issue. The bill looks as if it is about children who will come into the adoption process, as opposed to children who are already part of it. From your statistics, 250,000 people are directly affected by adoption. How many of them are part of your register or any other register?

Gary Clapton: That is a good question. The answer is probably that less than 2 per cent are on the register. Our figures relate to people who, in theory, would be entitled to put their names on a register—although we are not saying that they ought to do so—so that they could, we hope, find somebody they were looking for. There are 12,000 names on the adoption contact register for Scotland. That is a minuscule amount.

Every so often, we will crank out a leaflet or two and ensure that they are put in doctors' surgeries or libraries. We suffer because we do not have a public profile, but now and again we will get something in the newspapers. As I have said, we got a booklet funded. However, only a fraction of the people who could be on the register are actually on it.

There are no other registers in Scotland. There may be one or two unofficial ones on the internet, but there is nowhere else to which professionals and practitioners can guide people. It is a shame that there are so few names on it, although 12,000 is not a figure to be sneezed at. However, compared with the number that could be on it, the number is minuscule.

11:00

Fiona Hyslop: You mentioned the Irish situation. Would you be able to provide the committee with more information about the Irish system and what has happened there?

Gary Clapton: The Irish system has been in operation for a year now and we were called over to give some advice on setting it up before it started just last year. One of the pieces of advice that we gave was that there should be somebody involved from the start who would help to evaluate the system. We could provide some information about how well the system works in Ireland and about the so-called hit rate of people being linked with one another, as well as the rate for people actually signing up.

As I said, everyone got an application form through the door one day last May or June, which was a fascinating piece of social intervention. The idea behind making a mail drop like that is that it prevents there being any sense of people being targeted because they are birth parents or adoptive parents. Everyone in the nation got a form, so people could say on television and in the newspapers that it was being sent out to folk without fear of favour. We can provide information about the numbers who phoned in; I know that the switchboards were overwhelmed with inquiries in the first few months. We can certainly provide you with those facts.

Fiona Hyslop: Maybe you could liaise with the clerks so that we could contact the people in Ireland and find out more about the situation there.

Mr Ingram: I have a follow-up question along the same lines as Fiona Hyslop's question about adoption allowances and assessment of children. Have you had any feedback since the enactment of the Education (Additional Support for Learning) (Scotland) Act 2004, under which adoptive parents could request an assessment of their child?

Fiona Lettice: Some adoptive families have taken that route, but I could not say that we have had much feedback. However, the 2004 act is certainly helping to make the needs of children known to people. It is a question of mainstreaming it, as much as anything. People do not seem to understand that looked-after children and adopted children are the same children.

Mr Ingram: I hope that the 2004 act will address some of the problems that you have identified in relation to the ability to get a needs assessment, and in relation to delivery of services that local authorities will be duty bound to provide when needs are assessed and identified.

My other question is about moving from fostering to adoption. We have heard evidence from foster families that they do not have the same

ability that adoptive parents have to interact with schools, whether for a placement request or to ask for a needs assessment. Is there a significant difference in that regard?

Fiona Lettice: I would have thought that a looked-after child would have statutory rights to get certain support in school, and I would have hoped that the foster carer would be there with social work officers or whoever was representing the child. However, we struggle to have needs met in schools. Someone might get an assessment of what a child needs, but getting the support depends on the local authority area in which they live and on the available resources.

The Convener: That concludes our questions. I thank the witnesses from Adoption UK and Birthlink for their extremely helpful oral evidence and supplementary written evidence. If you are able to provide the committee clerks with the additional information that we have asked for, that will be very helpful indeed. I thank you all for your attendance.

11:05

Meeting suspended.

11:09

On resuming—

The Convener: We move to our second panel of witnesses. From the Fostering Network Scotland, we have Bryan Ritchie, the director, Anne Black and Lynne Isaacs. From Foster Care Associates, we have Marie Hindmarsh, the assistant director. I welcome them to the committee. I will give each organisation an opportunity to make a brief opening statement as a supplement to their written evidence, after which we will ask questions.

Bryan Ritchie (Fostering Network Scotland): I thank the committee for its kind invitation to attend. On my left is Anne Black, who is the vice-chair of the United Kingdom board of directors of the Fostering Network and who has been a social work practitioner in Scotland for many years. She is also the chair of the Scottish committee of the Fostering Network. On my right is Lynne Isaacs, a foster carer who has fostered for local authorities in Scotland and England and who is presently on the Scottish Executive's fast-track working group on improving educational outcomes for looked-after children. Between us, we have more than 90 years' experience of foster care in Scotland. That is quite frightening, but it is also awe inspiring.

The Fostering Network's sole aim is to improve outcomes for children and young people who are in foster care throughout the UK. Given that, one might question why we are here to talk about a bill

on adoption. The bill began its life in the Scottish Executive and the Scottish Parliament in April 2001, when Parliament agreed that there should be a comprehensive review of adoption and fostering legislation. To be blunt, as a member of the adoption policy review group for the past two years, I was surprised by the paucity of measures on fostering in the bill, which has 83 sections on adoption, 11 sections on permanency and one section on fostering. I do not conceive that to be a comprehensive review of fostering legislation.

We are assured that fostering will be dealt with through regulations and guidance. My worry is that a child who was born when the process began will now be five years old. As was said earlier, childhood is a finite experience, with a beginning, a middle and an end. I wonder how old that child will be when they see substantive change and improvement in fostering in Scotland, or indeed whether they will ever see that. We have a vision of the best foster care service in Europe, which is what is needed for our children and young people. We are committed to achieving that. I will not say more, as our written submission covers many of the issues that we want to raise.

Marie Hindmarsh (Foster Care Associates): I, too, thank the committee for inviting us to speak. Foster Care Associates is the largest independent provider in Scotland. We have more than 160 children in the foster care system in Scotland and officers from Aberdeen down to the Borders. We work with the majority of local authorities in Scotland, so we are well placed to know about the range of services, or the lack of them, throughout the country.

Our written submission comments on the adoption aspects of the bill. That comes from my background—before I worked for Foster Care Associates, I was involved with the Scottish Adoption Association. I have experience of adoption and fostering, which is why I feel able to comment on the bill's adoption aspects. In our written submission to the adoption policy review group, we commented on the adoption parts of the bill, which reflected the wealth of experience in our agency, from experienced local authority workers to voluntary staff.

From our experience of the process for children—they often come to our independent fostering organisation after making several moves—we have concerns about permanency planning for children and the links with the children's hearings system right through to permanency. Some children move on to adoption, but the majority need permanent foster care rather than adoption. Although fostering is reflected in the bill, it is not given equal weight with adoption.

11:15

The Convener: I will kick off with a general question on that theme of what is—and what is not—in the bill. When we ask him the question, I suspect that the minister will argue that the Executive sees the need for primary legislative change on adoption but that any changes to the fostering legislation can be made through secondary legislation because the need for such change is not so great. Do you agree with that assessment? I am thinking of the legal position as opposed to any argument that might be made from the political or other standpoint.

Bryan Ritchie: It may not surprise you to know that I think that any changes to the fostering legislation should be enshrined in primary legislation. My driver for that comes down to the numbers. At the moment, 200 children a year are being adopted from care through adoption applications that are primarily being made by foster carers. Lord James Douglas-Hamilton asked about the average age of an adoptive parent. I can tell him that the average age is 49; I know that because that is the average age of a foster carer in Scotland.

The public perception is that we are talking about curly-haired, blue-eyed waifs and strays. That is far from the reality, however. We talked earlier about attachment disorders. In the 21st century, the majority of the children who come into the care system are massively affected by poor parenting. That is the case, whether we are talking about drug-abusing parents, hidden harm, sexual or emotional abuse or any other trauma that is associated with children who come into care.

I worked as a practitioner in the field for over 30 years. It is clear to me that not only has children's behaviour got worse, the services and resources for those children have reduced as a result of the demands that are made on local authorities across Scotland. To a large extent, fostering is at the coalface of dealing with the needs of those children; it does so 24/7.

My priority is the 4,000 children who remain in foster care, whether on a permanence order or in long-term care. If we look only at the numbers—and I admit that there are flaws in doing so—we see that the number of children in foster care will outstrip the number of children who are adopted—the in-care population is growing. Even if we do not agenda-ise the drug-abusing parent issue, the number of children in foster care will grow, as it has continued to grow over the past 10 years. Those children should be not only my priority but that of the Parliament and the local authorities. That has not been the case in the past.

My worry is that the bill seems to say that adoption—whether it is seen as a process, a

means to an end or an end in itself—is a panacea for all our problems. That is not the case: we need a range of provision. If we continue to focus on sorting out adoption and on seeing it as a means of ameliorating some of the care issues that arise in this country, we will only fool ourselves. We need primary legislation that deals with the needs of the majority of children and young people in the care system—again, they are those who remain within the care system. The number of children who are adopted may increase, but it will not do so in line with the number of children who remain in foster care.

The Convener: I understand the point that you are making, but you did not fully answer the question. I asked whether there is a need to change the primary legislation on fostering as opposed to dealing with any change through secondary legislation, as the Executive intends to do. Is there anything wrong with the existing primary legislative base for fostering? If so, should it have been dealt with in the bill? I understand that you wish to focus on fostering issues, but my question was whether change is needed to the current legislative base for fostering.

Bryan Ritchie: A number of issues are involved; they should be dealt with through changes to the primary legislation.

The Convener: Will you give some examples?

Bryan Ritchie: Around 17 of the issues that were contained in the adoption policy review group report, “Adoption: Better Choices for our Children”, are not in the bill. No doubt the minister will argue that they will be covered in regulation and guidance, but am I to take his word for that? Why are they not included in primary legislation? Why do they not appear in the bill?

Some issues that are not in the adoption policy review group’s report or the bill are being raised by colleagues and taken forward by other legislatures in the UK. For example, placement minutes, training and support are being taken forward elsewhere but do not feature in the review group’s report or the Government’s response, “Secure and safe homes for our most vulnerable children”, or the bill. Such fundamental issues should be included in primary legislation.

The Convener: I was seeking that information—whether I agree with you is not the issue at this stage, but we need to raise those matters with the minister. Does Marie Hindmarsh want to add anything?

Marie Hindmarsh: Bryan Ritchie covered the matter eloquently. Fostering is inevitably the Cinderella service in comparison with adoption and the fact that such issues will not be enshrined in primary legislation will add to that perception.

Ms Byrne: Do the witnesses welcome permanence orders, which will replace freeing orders and parental responsibilities orders? Why is the change in approach needed? Will the proposals achieve the policy aim of providing increased stability for children?

Anne Black (Fostering Network Scotland): We welcome the proposal to introduce permanence orders. Foster carers throughout Scotland have told us repeatedly that they would like there to be greater security for the children for whom they care. How we provide greater security for children should always be the bottom line and permanence orders will bring greater security, although elements of the approach should be enhanced. The approach in the bill gives rise to anxieties about whether courts will appropriately allocate responsibilities and about the time that the process might take. Legal experts made cogent points in their submissions, which should be addressed.

Permanence orders must clearly allocate appropriate responsibility to foster carers and not leave everything to the local authority. We need to make it clear that foster carers who are committed to the long-term care of a child have the authority to act in the child’s best interests and make decisions, just as a parent would. The child needs to know that their carer can make many decisions about their care. Like Bryan Ritchie, I have experienced more years in social work than I care to admit and I know that there is annual anxiety among children and carers. Children can be ill for weeks before a hearing because they are scared that their placement will be disrupted and that they will yo-yo back and forth, although they cannot be looked after in a sustainable way at home.

Freeing orders were designed to enable young mothers to relinquish their babies at a very early stage. In 1975, when such orders were introduced, many young mothers were doing that and the system allowed matters to be dealt with quickly. However, children who come into care tend to be older and freeing orders do not have the same drive or results.

Parental responsibilities orders clearly locate responsibilities with the local authority, but corporate parents do not make good parents. The beauty of permanence orders, if they can be used appropriately, is that carers will be able to share responsibility with the people who deal with the legal aspects of the arrangement. Local authorities must be involved in supporting carers and children, but the law should recognise the key role of foster carers in bringing up the children who are placed with them.

Marie Hindmarsh: I just want to echo what Anne Black said. I think that everyone would welcome a permanence order that was geared to

the individual child's needs. Such orders should be shared and they should detail the responsibilities that should go to a foster carer rather than be left with a local authority. Another advantage is that permanence orders would not be adversarial; they would be about the child's best interests rather than about proving persistent failure by the parents. I think that permanence orders would make a big difference to children's stability and ensure that they would not have to go backwards and forwards annually to children's hearings. As Anne Black said, that process causes huge distress to children and carers alike.

Ms Byrne: This question is primarily for the Fostering Network. We heard a lot from the previous panel about the services that children require and about the concern that permanence orders might let the local authority off the hook in terms of provision. I note that the Fostering Network's submission mentioned that point. How could we ensure that the existence of permanence orders would not prevent access to required services and that the children would get the correct support in school and from agencies and services to which they might require access?

Bryan Ritchie: That is a difficult one to answer. If permanence orders come in, it will probably be about three or four years before they begin to bite in terms of going through the courts and growing in number. Our concern comes from our experience with carers in all 32 Scottish local authorities, who consistently say—there are no major differences—that the key issue is resourcing. I am conscious that when, as a practitioner, I was allocating scarce resources, the temptation was to say, "That child's safe in foster care. Nothing much is going to change and the child will stay there." When allocating, I would say to my teams, "Child protection is a priority. We are carrying out a number of investigations just now," and I would shift resources to children in the community on the basis that the children in care were safe, in the broadest sense.

Our concern is that the same issues will arise with permanence orders as arise with adoption orders, which the previous witnesses talked about. We are concerned that because resources are always likely to be scarce in local authorities, practitioners and managers will regard a permanence order as the end of a process rather than as part of a continuum. They might be tempted to say to foster carers, "That child is now subject to a permanence order—signed, sealed and delivered—get on with it." We know that that happens with long-term placements where carers, to be honest, do not see social workers from one year's end to the next because the child is in a secure home and no huge issues are emerging. Certainly, there will still be attachment, school and health issues, but the carers cope. The temptation

for the local authority is to let them get on with it. Our concern is that that approach will simply transfer to the permanence order.

To use market terminology, we will have to sell the permanence order to foster carers, kinship carers and residential care workers, because permanence orders can apply to any care typology, although it is more likely that children subject to permanence orders will find themselves in foster homes. If we are to bring carers with us and achieve the numbers of children that we want to be subject to permanence orders, we will need to do what we can to assure carers that services will continue beyond the orders.

Over the past 10 years, since the Children (Scotland) Act 1995 was enacted, we have picked up that section 11 residence orders are not popular with carers. They will not be browbeaten by local authorities over a residence order because of the issue of on-going support. They fear that once the section 11 order is granted, social workers will disappear over the hill and that support will be even more scarce than it is when children are subject to looked after and accommodated regimes.

I worked on the adoption policy review group and we were clear that the permanence order in Scotland would have a major advantage over the special guardianship order that our colleagues in England are pursuing because the child would remain a lack child and be subject to the care and responsibility of the local authority, which would have a duty of care to the child. That does not open all the doors, and corporate parenting is a mixed bag, but it enables the foster carer to lever in resources. We like to think that, through regulation, in this instance, clear markers will be laid down that will not allow local authorities to walk away.

11:30

Ms Byrne: Given that permanence orders will come on stream—although, as you say, that will take a few years—should we look for the bill to promote training and a protocol for foster carers? I know that those issues were raised in the reviews.

Bryan Ritchie: I will take two seconds to describe what and where foster care is. Foster care is changing. Ten years ago, by and large, people saw it as a voluntary, altruistic undertaking. Marie Hindmarsh represents one of many organisations that have grabbed foster care and dragged it kicking and screaming into the 21st century. I do not like to call foster carers professionals, because that has certain connotations, but they are skilled. I am going off track, but there is a director who is famous for saying that he wanted his foster carers to be like

his soup—thick, warm and welcoming. That is not the type of foster care service that we envisage for Scotland or any other part of the United Kingdom. We want a workforce that has certain core skills.

In my written evidence, I touch on the issue in relation to registration. Foster carers are an anomaly in many respects, but one of the most telling anomalies about the foster care workforce is that it is not registered. If I wanted to leave here today to take up a post in residential child care, I would need to be registered. Registration would ensure that I was fit to do the job, and I would have to continue to meet requirements in order to remain registered. Foster carers have no requirement to register with the Scottish Social Services Council, because they are not employees. We argued vociferously that that should not be a barrier to registering the foster care workforce. If foster carers were part of the registered workforce, their training and skills would be improved. Public confidence would be improved by the fact that the people looking after their children had met certain requirements and had a continuing requirement to train and to update their skills.

Our view is that foster carers—whether they look after children on a short-term, medium-term or long-term basis or whether they look after children subject to permanence orders—should be trained. There should be a national training strategy, as is the case elsewhere in the United Kingdom. Foster carers will sign up to that in growing numbers. We need to look ahead 10 years. The average age of foster carers in Scotland now is 49. If we go back five years, we find that that cohort is getting older. There is a nub of foster carers who are aging. In five or six years, we face a demographic cliff, because those carers will fall off the end, resign and leave foster care. Only 20 per cent of carers in Scotland are 30 and under, and the foster carer population is aging. Whether 50-year-olds have the stamina, energy and resilience to look after two-year-olds is an issue. Leaving that point to one side, I think that we need a trained, skilled workforce that is able to undertake the increasingly difficult tasks that we are asking it to perform.

Marie Hindmarsh: We have evidence that, by providing training, we will attract people who see fostering as skilled work. They will give up paid work in order to do it and will expect the training, help and services that go with supporting some of the most vulnerable and damaged children in our society.

Ms Byrne: Do you think that there should be a protocol for foster carers?

Bryan Ritchie: I invite Lynne Isaacs to comment on the issue. I find it easy to talk until the

cows come home, but perhaps we should ask a foster carer about protocols and training.

Lynne Isaacs (Fostering Network Scotland): Foster carers are trained at the very beginning. Over five or six weeks, we skim over many subjects. We are interviewed, and then we take on the task. I have been doing it for 27 years.

When I first started, I was a residential care worker. The authority felt that I would therefore be a suitable foster carer and I was plunged into it without any training. For my first placements, I got three under-fives. I was shell shocked. I looked after them for five or six weeks. When they moved on, I resigned; it was just too much. A couple of years later, I had another go. I was much better prepared and trained, which meant that I was more able to cope with the task. I started my fostering career at that point; I have fostered ever since. Bryan Ritchie spoke earlier about foster carers being like soup—thick, warm and welcoming. Yes, we are.

However, we are unable to legislate. Placement limits were discussed earlier. At Christmas, six children were placed with me. As I have a seven-bedroom house, we were not all squished in one bedroom, but it was difficult nonetheless. On 23 December, I had a phone call at 2 am. I was asked whether I could come down to the police station and pick up a four-month-old baby. The mum had been found drunk in the town centre and the baby was cold, wet and hungry and needed changing. I challenge anyone to say no to such a request.

We need legislation that says that three children—for example—is our limit. It could also provide for special circumstances such as taking a sibling group in the circumstances that the foster carer is able to provide for them. If we had that legislation, it would help. We would be able to give society a better service. We are at the front line of things in respect of the bill. We are the ones who have the children before they get adopted and who prepare the children for adoption. The social worker might come in for an hour once a month to prepare the child, but we have them all the other hours.

If the child is one of a group of five or six placements, we cannot give them the best of our time and preparation. Families are getting smaller nowadays. The average family does not have five, six or seven children. It costs a lot to have children. I am not banging on about allowances and so on, but a foster carer with a number of children really stands out nowadays. Having large numbers of children means that the confidentiality aspect of fostering goes right out of the window. When I take the children and my own children, who are more grown up, abroad on holiday, I am asked whether we are a youth group. We all just

fall about laughing, but we look like that sort of group.

Foster carers need help. We want to give society the best service. The Scottish Parliament has reduced class sizes in schools and that has had a good effect. Teachers now have more time for their pupils. When there are children in need, it is very difficult to say no.

Marie Hindmarsh: As an organisation, we stick to the English protocol. Unless it is a sibling group, we do not allow any more than three children per foster carer. As others have said, that adds to the work that the foster carer can do. It also adds to placement choice; it is possible to make a better match between the child and the foster carer. For example, we are now much better at keeping some of the larger sibling groups together in one foster home. We can then do a real assessment of the quality of the attachment between the siblings, including whether they should be together and what is going on with them.

My experience in a local authority, however—I have been there; I have put people over numbers because my back was against the wall—is that although you end up with a carer who has the capacity to take three or four of a sibling group, we would have to put one child in, and then another two and so on. We would never have the capacity to use that carer for a sibling group, as we might have done in the first place, and that would then contribute to poor planning for the children.

The Convener: We have picked up on a number of the issues that members wished to raise, which is very helpful. I think Kenneth Macintosh has another point to raise.

Mr Macintosh: I wanted to ask about registration, but the point has been fully answered.

In its submission, the Fostering Network Scotland raises an issue that I cannot find in any of the other submissions. I refer to allegations being made against foster carers. It is worrying when you say:

“1 in 3 foster families will face an allegation during their ‘career’.”

That is a huge number. Clearly, the issue is one that affects other professions and other areas of child care. What would you like to happen?

Bryan Ritchie: We would like parity with the rest of the UK. Although that is a theme to which I seem to return, what I say is well meant.

The issue of allegations takes us back to the anomalous nature of foster care. Foster carers are not employees, so they have no recourse to the law. We have projects throughout the UK; the one in Scotland deals every year on average with 100 to 200 foster carers who are going through an

allegation. Allegations can vary from being fairly minor to fairly major, and the impact that they have on families is enormous. The children are removed immediately in most circumstances and an investigation starts that can last for up to a year. The investigation can involve the foster carers' own children being subject to inquiry by the police and the reporter to the children's panel, and most foster carers' source of income is removed. They are placed in limbo, as their support workers are prevented from working with them because that may interfere with the train of evidence—the police insist that everybody must stand back. When the dust settles, we are about the only people who are still there, working alongside the carers to try to reach a resolution.

We have met the Association of Chief Police Officers in Scotland and the Solicitor General for Scotland to discuss the points at which the system falls down. Because the children are removed in such cases, an allegation is not regarded as a priority, so there is no pressure on anybody to do anything. The police have other issues to deal with and will investigate when they have time. The children are no longer with the foster carers, so it is not an investigative priority. Once the police have completed their investigation and have sent their material to the procurator fiscal, again the case is not treated as a priority because the children are no longer placed with the foster carers and there is no immediate risk of harm to them.

The average time that an investigation takes is about eight months from start to finish; however, some investigations drag on for three years. In most circumstances, the carers are advised that they should seek a legal opinion. In some circumstances, they are advised that whomever the allegation has been made against should leave the home. If the carer is unable or unwilling to leave the home, social services are faced with the dilemma of whether to remove the foster carers' own children. That emanates from the carers' task of looking after our most damaged children in their own homes and in relative isolation, and it emanates from a practice of children being left vulnerable.

Hugh MacIntosh from Barnardo's talked about children whose only recourse is to keep testing: they have been let down so often that they keep pulling on the bindings, just to make sure. One of the ways they do that, unfortunately, is by making allegations, because they have found that it is a way to get what they want. I am not trying to play down the need for us to be extremely cautious and careful in terms of child protection, but we need to deal differently with this relatively small group of people. We are not dealing well with them at the moment.

My worry is not so much about the carers who have to go through such investigations—although I have concerns about them—but about the messages that they send out. Research from around the world shows that carers are the best recruiters—they are better than any other method. If the carers are not happy, they will not recruit new carers. If the investigation process to which we subject carers against whom allegations are made abuses them, they will leave, which results in a double whammy in that we lose carer families through bad management and bad systems, and those carers do not recruit other carers. We should embark on a scheme that is similar to that which operates in England and Wales in which there is, in terms of better choices for our children, independent support, a national protocol—as is the case in Wales—that is binding on the various agencies, and a right of appeal to an independent person.

The position is fairly arbitrary at the moment, and local authorities are playing it safe. Regulation of care has been built up recently, through the Scottish Commission for the Regulation of Care inspections, and the number of carers who have been summarily dismissed has increased throughout Scotland—between 30 and 40 carer families who have cared for children for 10, 15 or 20 years are suddenly being thrown out because of issues that are uppermost in local authorities' minds.

There are ways of dealing with the problem; it is not particularly difficult and the mould has been broken down south. We should not try to reinvent that particular wheel but should follow suit, as the Fostering Network Scotland suggests.

11:45

Marie Hindmarsh: I can think of examples in which a child has been removed from a foster home while an allegation is being assessed, but in which there has been no assessment of the risk of removing the child. In those cases, the alleged incident did not constitute significant harm, but the removal of the child from the foster home did. A risk assessment of removal should be done when allegations are investigated.

Mr Macintosh: You are giving us powerful evidence on the need to address our risk-averse culture and how we deal with allegations, the need for a statutory limit on placements, the need for a registration system and so on. However, those things are not in the bill. Should they be added to the bill or would it be dangerous to do that in an arbitrary or piecemeal manner? Should we ask the minister to outline the totality of the reforms that are to be made to fostering or could those things be dealt with by amendments to the bill? As you said, it is an adoption bill that deals with some aspects of fostering.

Lynne Isaacs: Is the bill concerned with the success of the adoption of children? If it is, the answer to your question is that those things should be in the bill. If you enable children to be well prepared and best placed before adoption, the groundwork will have been done for the adoptive families, who might be ordinary families who have not acquired the skills for dealing with difficult children. The children who are adopted are usually those who have been in the worst situations. The children who are clearly defined as being suitable for adoption are probably the most damaged. If the bill allows us to do our job as foster carers by preparing children for their new families, adoption will stand the best chance of success.

As a foster carer, I have had three children from adoption breakdowns in the past four years. They were put back into care as foster placements because the adoptive families could not cope with the trauma of the behaviours that the children displayed. I am thinking of one child in particular, who was seven years old. If you legislate to allow us to do our job properly, we can prepare children so that their adoption has the best chance of success.

Anne Black: I agree with Lynne Isaacs, although I might put it in different words because I am not a carer. We need an infrastructure in foster care that will deal with the difficult issues. We cannot wait for a national fostering strategy that might lead to legislation. The children that were born when work started on the adoption policy review will probably be leaving school by then. Part of the infrastructure that we need is undoubtedly as Bryan Ritchie suggested. Allegations are very much at the heart of that and we need to deal with them in a sympathetic but rigorous manner.

Mr Macintosh: You have forcefully made the argument for that—I do not think that anyone is in doubt about that. However, the bill has its own structure and it is about adoption. It is clear that a range of fostering issues need to be addressed, but I am trying to establish whether it would be helpful to address them individually by amending the bill. That might involve putting in place a statutory limit on placements, setting up a registration scheme—I do not know whether that would go in the bill or not—or setting up an independent system to deal with allegations. Those things could perhaps be dealt with by amending the bill. Is that what we should do, or would it be better to introduce a comprehensive set of measures that are designed to deal with fostering in the round? The committee has to make that decision. We will ask the minister about the matter, but the committee will have to decide. Placement limits is an obvious example to pluck out because it is a simple defined measure.

Marie Hindmarsh: Does one preclude the other? It probably does not. The impetus exists now because of the Adoption and Children (Scotland) Bill; if such provisions could be included in the bill, they should be, but that does not preclude a wider discussion and the introduction of more comprehensive legislation later. The anxiety is that, if we do not do something now, the impetus will be lost.

Lord James Douglas-Hamilton: Do you see it as absolutely the top priority that the Executive must set mandatory national scales of fostering allowances based on the recommended rates as published by the Fostering Network Scotland?

The Convener: Perhaps you should declare an interest.

Bryan Ritchie: Yes—in several respects. *[Laughter.]*

To put it simply, that is part of the issue. It goes back to the previous question. There is no magic bullet—no one issue that will resolve, update, develop or improve. Rather, there is a range of issues. It is a jigsaw, and one of the pieces in the jigsaw is allowances. The Scottish Executive asked us about three years ago to undertake an audit of foster care in Scotland, and we produced a report entitled “Caring for our Children: Foster care in Scotland: A Report by The Fostering Network”, in which we said that 56 per cent of carers in Scotland found the issue of allowances anomalous because they were, in effect, subsidising the children in their care. Carers are our best recruiters; if they have to pay for children in the care system, that could affect their ability to recruit new carers.

Lord James Douglas-Hamilton: If there are any amendments that you believe are important to the bill, will you send them to the committee?

Bryan Ritchie: Yes.

Fiona Hyslop: I would like to ask about allowances, kinship care and the grandmother, for example, who fosters without the involvement of social workers. Should such carers receive the national allowance?

Bryan Ritchie: That is a difficult question. There was an excellent debate in Parliament about 18 months ago about grandparents, well before the debate on hidden harm. Let us leave the issue of hidden harm aside for a minute, however, because it tends to skew the discussion towards drug-related issues and drug-using parents, although I am not denying that it is relevant to a significant proportion of the children who will come into the care of their grandparents.

Some 1,600 children in Scotland are looked after by kinship carers, subject to a statutory order. Our view has always been that such provision is

woefully underresourced and inadequately monitored. “Adoption: Better Choices for our Children”, which was the adoption policy review group report, listed a number of suggested improvements relating to kinship care that do not appear in the bill. In that respect, we endorse the need for a kinship care strategy. I know that Children 1st, which spoke to the committee not long ago, examined family group conferencing as part of that remit and considered the wider context within which kinship care takes place. We are awaiting the publication of a report on kinship care by the Scottish Executive, and we are conscious that some announcements were made at the hidden harm debate about the potential for the Executive to consider mandatory allowances.

I look at the subject from the children’s perspective. In our discussions with children and young people who are in kinship care situations, we learn that what they want is to remain there. For the kin who care for them, they want proportionate support that it is available when it is needed and which covers the need. That is not the situation at the moment. As far as I can discern—I may be wrong—there is no great desire on the part of kinship carers across Scotland to be foster carers and to look after other people’s children. Their desire emanates from a willingness to look after their kin or their friends’ children, and they want to do that for the rest of a child’s childhood. Our view is that those carers should be assessed and approved and should be subject to the same allowances or maintenance payments as are paid to foster carers; there should not be a huge disparity.

Some local authorities are already at that point. They do not discriminate, if you like, between foster carers and kinship carers in respect of maintenance payments. I suspect that they take the view that the needs of a four-year-old are fairly standard whether the child happens to reside with foster carers or with kin. There are differences in respect of the Benefits Agency and the plethora of benefits of which kinship carers might avail themselves. Our view is that there should be standardisation across Scotland. We should embark upon a process of underpinning the kinship care system to a greater extent than we do.

Fiona Hyslop: Does that mean that the regulatory provision that you want for foster carers would also apply to kinship carers?

Bryan Ritchie: In what respect, specifically, do you mean?

Fiona Hyslop: I mean in respect of being regulated.

Bryan Ritchie: I would not envisage kinship carers being registered with the Scottish Social

Services Council, because they are not embarking upon a care career such as Lynne Isaacs described.

There was an interesting debate on the subject in Parliament about 18 months ago. I think it was Scott Barrie who made the point that we do not want to frighten off kinship carers by overregulating, overarticulating and being too risk averse. On the other hand, the Social Work Inspection Agency report on the Western Isles clearly indicated that family carers had not been sufficiently assessed and continued to abuse children. We need to come to a halfway house. It is an interesting situation to be in.

I will give the committee some statistics. If we were in England, we would not be having this debate. A grandma or grandpa or whoever in England is assessed as, and treated as, a foster carer. Some kinship carers are now attracting fees in England, never mind maintenance. One of the issues for us was whether we wanted to go down that road.

We examined the statistics. In England, kinship care accounts for 17 per cent of the children who are looked after and accommodated in a community setting rather than a residential setting. There are 1,600 such children in a community setting in Scotland and there are 3,600 in foster care, so about 45 per cent are cared for by kin. That benefits those children and is something that we should endorse and support. However, we have found when we talk to kinship carers that they want a system that supports them. The children also want a system that supports their carers. We need a more structured system—there are currently 32 different ways of dealing with kinship care. None of the approaches is particularly comprehensive and none is adequate. I welcome the Executive's announcement.

The Convener: Would Marie Hindmarsh like to comment?

Marie Hindmarsh: This is not an area in which Foster Care Associates is involved.

Fiona Hyslop: I will take up the point about the discrepancy between the 17 per cent figure in England and the 45 per cent figure in Scotland and I will play devil's advocate. Given that England has more structured provision, does not that suggest that more structured provision might have an adverse effect on attracting people to kinship care in England?

Bryan Ritchie: There needs to be a proportionate response. The English model might not be one that we would endorse.

Most people assume that permanence orders will be for children who are in foster care. I argue that for kinship carers, as opposed to foster

carers, a permanence order is probably the most attractive option. The attraction for kinship carers is that they will divest themselves of the annual brouhaha when parents turn up and demand all sorts of inappropriate supports and inappropriate access to their children. That is one of the most important issues for kinship carers.

I often ask kinship carers to take on the care of children. One of the drivers of their not doing so is that they do not want the baggage that goes with caring: they do not want to have to deal with issues such as have related to their own children. In a sense, they have given up on their own children. If a social work department can act as an intermediary and if it can support carers, they will come on board and will look after their grandchildren, nieces or nephews. I do not think that we see ourselves going down the road of related carers, which is the approach that has been taken in England.

12:00

We need some form of assessment, however. There were suggestions about that in "Adoption: Better Choices for our Children" that do not appear in the bill. We need to go down that road, rather than the one that has been gone down in England, where kinship carers are treated in the same way as foster carers. We need a more structured assessment process than exists at present and greater emphasis needs to be placed on supporting kinship carers. I hate to use this phrase, but there is a postcode lottery when it comes to the support that carers can get from social work departments.

Anne Black: The Fostering Network, along with the Association of Directors of Social Work, set up a working party three years ago. We produced a report that we would be happy to make available to the committee. The ADSW and the Fostering Network were united in feeling that we need a better and more structured system. Social work departments are not happy that there is, in effect, a lottery for the support that kinship carers get.

The message that came across to the working party was that kinship carers needed emotional, material and financial support to enable them to care better for children, without too many of the trappings that would destroy the family and friends element of the care, but with enough to ensure that, under assessment, they are able to do the job—that is what it is—that they have taken on. We made proposals on assessment. I would be happy to leave a copy of our report and its appendices with the clerk, if that would be helpful.

Fiona Hyslop: Thank you.

Mr McAveety: That brings us to the philosophical dilemma facing committee members.

There is a debate about what is local and what is national. The consistent evidence that we have received on these issues is that there is a postcode lottery: adoption services are patchy, although some local services have shown great initiative and innovation, which we want to welcome. However, it depends on where people are. The nature of a family can shift; depending on jobs or other circumstances, people might move from a very good support network to an absolutely inadequate, if not non-existent, one.

Our problem as parliamentarians lies in the constant tension that comes from our local government colleagues saying—quite rightly—that they have autonomy in their democratically elected structures and that they would like some discretion in this area. I mostly agree with that, but I do not think that this area of service delivery should be left to local discretion alone. Many factors can be involved, such as access to culture and leisure services and to other support. We are dealing with a human need that must be met because of the circumstances involved.

I come back to the area that Ken Macintosh asked about. If there is a partial, or evolving, national strategy, we could raise some of the issues to persuade the Executive to get resources in. That relates to our debate on the financial memorandum. I am not necessarily seeking an answer on this today, but it would be useful to hear from you about it. What amendments could move the debate on with ministers, make the bill better and get us through the porridge of information that we always get?

It can be difficult to deal with such sensitive areas. Like Rosemary Byrne and others, I have dealt with kinship carers—those I met were from the east end of Glasgow. People face the trauma of taking emotional responsibility for children, but being embarrassed to ask about how to sort out the financial side. One reason why people sometimes cannot meet all the needs of their children or grandchildren is that they do not have any access to the necessary resources. They might feel morally compromised in the absence of a national structure that they can latch on to. It would be helpful to get your views on that.

Under the heading of “Allowances”, the Fostering Network submission states:

“8 out of 10 local authorities in Scotland are not ... meeting our national minimum requirements by paying”

amounts

“that reflect the true cost of caring for the looked-after child.”

That is a chilling statistic, particularly when we compare the situation here with that in England, which seems to be twice as good, with 40 per cent of local authorities meeting the requirements. It

would be helpful to get more of a sense of the situation. If it is not possible for the witnesses to articulate that in depth now, it would be useful to us if they were able to go through it later.

I am sorry that I took so long to ask that question, but I think it raises an important issue.

Bryan Ritchie: That is indeed a chilling statistic. The situation impinges on local authorities, and resources are scarce. If I may play devil's advocate, I think that the Executive will say that the grant of £12 million, which was announced in 2004, the first tranche of which is now out and the second tranche of which is about to be allocated, was for recruitment and retention. We have done some work on how the spend is going. At present, seven out of the 32 local authorities pay the fostering allowance at Fostering Network rates.

Another interesting development is that although the Convention of Scottish Local Authorities historically issued a rate, which was about 60 per cent of our rate, and updated it according to the retail prices index every year, it refuses to do that now. COSLA feels that that approach is no longer particularly useful.

With due deference to Marie Hindmarsh, the other change is the advent of independence among the voluntary organisations in Scotland—a relatively new phenomenon. In general, they pay at or above Fostering Network rates and offer training and psychological, psychiatric and educational support, as was mentioned. By and large, those organisations do not attract carers from the local authority sector; they attract people who would probably not have become foster carers previously. Part of the reason for that is the financial package.

Ten years ago, employment in this country was not as full as it is now and the attraction of staying at home, fostering and receiving some money for it, albeit not a lot, was probably enough. That is no longer the case. Although we could argue the point, we now have relatively full employment in the service industries and, however we define it, the employment situation has changed. Fostering allowances are part of that picture.

The bill suggests that the Government “may” recommend or establish a fostering allowance rate. If the Government is only to make a recommendation, it would be as well not bothering because nobody will pay a blind bit of attention to it. If it makes a recommendation, that would suggest to local authorities that they publish in a form yet to be determined why they have not met the recommended rates. If I were the chief executive of some local authority, my get-out would be to say that we had spent the money on something else equally necessary. Rates will be regarded as national minimums. They will form the

foundation of fostering allowances, but they will not encapsulate all allowances.

We have argued consistently that children cost the same wherever you are in Scotland. There are always variations between the central belt and the Western Isles, where staples, such as petrol, are probably more expensive. However, by and large children cost much the same, and the full cost should be met.

I point out that I am not here as some trade unionist acting on behalf of foster carers because I want them to be reimbursed. However, I return to my original premise: if we do not make fostering an attractive option, there will not be placements for post-adoption or permanence order children. We need to ensure a consistent supply of foster carers and we need to make fostering an attractive option for two or 20 years, once a month or on a permanent basis. We mentioned a number of issues in our submission, and allowances are one part of the jigsaw that I talked about earlier.

Dr Murray: You spoke about permanence orders and some of your evidence, particularly on kinship care, has been very useful. You have given us a lot to reflect on.

A number of the children who will be subject to permanence orders will probably have problems of the sort that will bring them into the children's hearings system. What role do children's hearings have after a permanence order is made?

Marie Hindmarsh: We reflected on some of that in our original written submission to the review group. The continuing involvement of the children's hearings system is a thorny issue about which strong views—for and against—have been expressed.

On the one hand, there are concerns that some local authorities' permanency planning has not been robust enough and that the role of children's hearings needs to be strengthened. My experience is that very often, those in the children's hearings system find it difficult to make permanency planning decisions. They might agree an adoption plan, but the level of contact is such that it is more to do with rehab rather than permanency planning. It is a huge issue. If a decision has been taken to continue to involve children's hearings in permanency planning, the training and support have to be robust.

We have debated permanence orders long and hard and our conclusion is that, once a permanence order is in place or is sought, any issues to do with the order or the children should be remitted back to court. Only if extra issues arise to do with the children's hearings system should that system be involved again. For example, if a child on a permanence order committed an offence, it would be appropriate for that to go to a

children's hearing—but only because of the offence and not because of the substantive issues that had been covered in the permanence order.

Anne Black: From the Fostering Network's perspective, I would echo exactly what Marie Hindmarsh has said. The whole essence of permanence is about families being able to get on with looking after children without an annual review. However, like Marie, I would say that if the family broke down, if there were allegations of abuse, or if the child committed an offence, the children's hearings system has a place, as it has for children who are brought up by their own parents.

Mr Ingram: I thank the witnesses for the comprehensive and clear evidence that they have given us today. I would like to follow up one point that we heard earlier from Adoption UK. It concerned the need for a national centre—or, if you like, a centre of excellence—that would help to disseminate best practice in development and training. I notice in the submission from the Fostering Network that a key finding in "Caring for our Children" was the need to

"Create a Centre of Excellence to spearhead the training for foster carers, specialist fostering workers, fostering managers and Children and Families teams."

Would you flesh that out a little for us?

Bryan Ritchie: Several years ago, the chief inspector of social work asked a number of organisations to formulate a policy and a plan for a centre of excellence for foster care in Scotland. A number of universities and a number of child care organisations, including the Fostering Network and the BAAF, met over the course of a year and put forward a proposal for a centre of excellence for foster care. Many of the issues that we are talking about today would have been funnelled through such a centre of excellence—allowances, support, training and all the other issues could usefully have been worked on via a centre of excellence.

A fascinating aspect of my job is dealing with 45-odd agencies that do not learn from one another. It is a uniquely frustrating position to be in. Local authorities that are next door to one another do things in a completely different way, whether because of capacity, resources, demography or whim. This is a small country and we have the opportunity to share practice.

I will give committee members an example that relates to the recent announcement of £12 million. That money has been allocated to local authorities across Scotland with the proviso that it is used to recruit and retain social workers. My worry, in talking to the Executive over the past two years, is that we were talking about a two-year spend and that two years is an awful short time. I could foresee authority A and authority B receiving their allocations and spending them in completely

different ways, with authority A being remarkably successful and authority B being remarkably unsuccessful, but with the two authorities never talking to each other. At the end of two years, we should have learned a valuable lesson. Within the first three months, there would be signs that authority A was succeeding and authority B was not, and I felt that there was surely a need for communication between the two authorities. That would have allowed the unsuccessful authority to change track and take on some of the ideas of the successful authority.

12:15

Frank McAveety spoke about how everybody wants to do their own thing and retain their autonomy. However, there are remarkable differences. For example, in the past 18 months, Inverclyde has trebled its number of foster carers. No other authority in Scotland has done that, but the Scottish Executive seems to have no great desire to get Inverclyde to tell the other 31 authorities, "This is how we did it, folks. Adapt our method to your own authority." Although I am more than happy to be involved in such discussions, I think that a centre of excellence would be the best place for that sort of activity.

We are dealing with 4,000 children, 4,500 foster carers and 200 or so family placement social workers who, at the moment, have 32 different ways of skinning this cat. The average vacancy rate in fostering teams is way ahead of the rate in child care teams, and family placement social workers have no training regimes, no career prospects and nowhere to go. However, we can do a lot at little cost; we simply have to get local authorities to talk to one another. Although that sounds easy to do, it might prove not to be.

In answer to your question, I honestly believe that a centre of excellence for foster care in Scotland would be of enormous benefit to the 4,000 children we are talking about.

Marie Hindmarsh: And it would give us a foot up.

Bryan Ritchie: Indeed. Why not join it?

We could also follow Northern Ireland's example and send everyone a letter, asking them whether they have ever thought of being a foster carer.

The Convener: I have to say that it is hard enough to get people in authorities to talk to one another, never mind talk to anyone else.

Mr McAveety: I have put this question to the other panels. Do you think that adoptions by same-sex couples compromise the quality of care for children?

Bryan Ritchie: No. In fact, the review group asked the University of Newcastle to examine that matter. In the section on the international

perspective of adoption and fostering by same-sex couples, "Adoption: Better Choices for our Children" concludes that there is no evidence from across the world that same-sex parenting harms children in any way, shape or form. However, a number of research reports, which appear to be faith based, have vociferously opposed such a move.

I do not think that repealing regulation 12(4) of the Fostering of Children (Scotland) Regulations 1996, which prohibits same-sex fostering in Scotland, will lead to a queue of gay or lesbian foster carers—although I truly wish that that would happen. However, under the terms of that regulation, if a female child who reaches adulthood stays in her placement with a single female carer, the household is illegal because it contains two adults of the same sex. Although the regulation was never designed to preclude such instances, that is what has happened.

Anne Black: We should also remember that any heterosexual or same-sex family that came forward would be thoroughly assessed under certain criteria to find out whether they were suitable; whether their hearts were in it; and whether they appreciated the stresses, strains and rewards of fostering.

Marie Hindmarsh: Indeed, for a number of years, we have been assessing and placing children with unmarried couples—although, in such cases, only one partner can be designated the legal parent—and, if a child has been freed for adoption and the parent was willing to give consent, with same-sex couples. Again, in those cases, only one partner can adopt the child; to secure parental responsibilities over the child, the other partner has to apply for an order under section 11 of the Children (Scotland) Act 1995. As Anne Black said, the assessment and preparation process for those couples was as thorough as that for other couples.

The Convener: That concludes our questions. I thank both organisations for their informative evidence. Some points that have been raised are probably beyond the scope of the bill; however, it has been useful to hear them and we will certainly take them up with the minister in due course.

Next week, we will continue our oral evidence taking on the bill. However, I should point out that, because staff are on holiday this weekend—I hope that they enjoy it; members are probably not aware that there is a holiday this weekend—the *Official Report* of this meeting will not be published in time for next week's meeting. In any case, I am sure that we have plenty of other written evidence to read.

12:20

Meeting continued in private until 13:21.

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