



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Education, Children and Young People Committee

Wednesday 8 October 2025

Session 6



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Wednesday 8 October 2025

CONTENTS

Col.

CHILDREN (CARE, CARE EXPERIENCE AND SERVICES PLANNING) (SCOTLAND) BILL: STAGE 1	1
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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE
29th Meeting 2025, Session 6

CONVENER

*Douglas Ross (Highlands and Islands) (Con)

DEPUTY CONVENER

*Jackie Dunbar (Aberdeen Donside) (SNP)

COMMITTEE MEMBERS

George Adam (Paisley) (SNP)

*Miles Briggs (Lothian) (Con)

*Pam Duncan-Glancy (Glasgow) (Lab)

Ross Greer (West Scotland) (Green)

*Bill Kidd (Glasgow Anniesland) (SNP)

*John Mason (Glasgow Shettleston) (Ind)

*Paul McLennan (East Lothian) (SNP)

*Willie Rennie (North East Fife) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Maree Allison (Scottish Social Services Council)

Dave Berry (Dundee Health and Social Care Partnership)

Jim Savege (Society of Local Authority Chief Executives and Senior Managers)

Professor Soumen Sengupta (South Lanarkshire Council)

John Trainer (Social Work Scotland)

Fiona Whitelock (Convention of Scottish Local Authorities)

Charlotte Wilson (Care Inspectorate)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 8 October 2025

[The Convener opened the meeting at 08:45]

Children (Care, Care Experience and Services Planning) (Scotland) Bill: Stage 1

The Convener (Douglas Ross): Good morning, and welcome to the 29th meeting in 2025 of the Education, Children and Young People Committee. We have received apologies from Ross Greer and George Adam.

The first item of business is taking evidence from two panels on the Children (Care, Care Experience and Services Planning) (Scotland) Bill.

I welcome our first panel: Fiona Whitelock, policy manager for the Promise, Convention of Scottish Local Authorities; Dave Berry, director of the Dundee health and social care partnership; Jim Savege, chief executive of Aberdeenshire Council, representing the Society of Local Authority Chief Executives and Senior Managers Scotland; and Professor Soumen Sengupta, chief officer and director of health and social care at South Lanarkshire Council.

We will go straight to questions. I will kick off, perhaps unsurprisingly, with a question about the report from the Accounts Commission and the Auditor General that was released this morning, and which deals with the progress—or lack of it—on the Promise to date. I will come directly to you, Mr Savege. What is your response to the report's criticism of local authorities, and is it correct? It is quite a damning report. Have local authorities, Government and others failed?

Jim Savege (Society of Local Authority Chief Executives and Senior Managers): The report is welcome, and external scrutiny of our work is always a positive contribution to improving our approach.

The Promise is a significant commitment by the whole of the country, and by many public agencies and third sector organisations, to make profound changes to the experience of young people within our care system and to aim to prevent young people from having to go into care in the first instance. We have made significant progress on fulfilling our commitment to the Promise within the first few years. Very fairly, the report sets out areas for improvement, which give us a welcome

focus, and we will continue working to address those.

The Convener: Were local authorities aware of those areas for improvement before you read about them in the report?

Jim Savege: We could look at the example of the data and information that are used to track local and national performance and progress. Work was already under way to better establish which indicators will tell us whether we are on track with keeping the Promise. That was already work in progress.

The Convener: Why is that still work in progress when we are midway through the 10-year period? Did no one think, in 2020, that they should set up a system to track progress and ensure that they would meet the 2030 target, instead of still trying to come up with a system at this mid-point?

Jim Savege: There are two aspects to that. First, achieving the Promise involves a large amount of work. On the back of the independent care review, local authorities and partners have been developing and establishing their own local implementation plans, because fulfilling the Promise is likely to look different for communities that have varying needs, demands, expectations and demographics. That work was, and is, happening.

A multitude of data sets and performance information already exists. Many returns come through to Government and other agencies, and there are many inspections. We have to distil from those the information that will tell us about the plans that we have in place as well as to work out whether there is other information that we need for our work but do not have and do not already collect. There has been an active process.

At the start, there was cognisance that we would need to develop and establish plans, make change rapidly and know whether we were making progress. To be fair, we must continue improving that work. There absolutely was an awareness of that.

The Convener: That process is not really rapid if, five years on, you still do not have the ability to do it.

Jim Savege: If we were to look at the situation in each part of the country, every authority and community would be able to articulate the changes and improvements that they have made to improve the lives of care-experienced young people. From a preventative point of view, they would be able to talk about where they have reduced the number of young people coming into care. Having a perfect plan of what we are going to do over a 10-year period, and with all the

indicators aligned, would be a different and bigger task.

The Convener: Ms Whitelock, what is COSLA's response to the report? Who is to blame? Is it local authorities, integration joint boards, the Government or everyone?

Fiona Whitelock (Convention of Scottish Local Authorities): As Jim Savege said on behalf of his own organisation, COSLA also welcomes the report. Audit Scotland has asked some key questions about governance and accountability. I also point to the significant amount of work that is being done in local areas and by people on the ground who are making a difference.

As Jim said, without having a clear national picture of how we measure progress, local areas have developed their own structures around what it means for their communities, and reporting structures and clear planning processes are in place locally.

The Audit Scotland report raises the question of how we bring that together nationally, to create a clear picture that we can all see without having to go to each individual area. Work is under way on that; we have the stories of progress. That is ongoing and we will have more on that by the end of the year. We cannot lose sight of the important work that is being done on the ground.

The Convener: When the report mentions that plans lack detail and direction, and that greater pace and momentum are needed, where does the lack of those qualities come from? Is it from individual local authorities? Is it IJBs? Is it the Government? Those are criticisms, and I just want to know who is to blame here.

Professor Soumen Sengupta (South Lanarkshire Council): Good morning, everyone, and thank you for the opportunity to comment. On reading the report alongside colleagues, I was struck that it is welcomed. The report highlights the fact that everyone is committed to doing better in this area.

The committee will have seen from the South Lanarkshire health and social care partnership's submission that there are a number of common themes, and the convener's question to my colleague was whether we are aware of that. The report highlights the challenging policy context. A range of policies is set out in this area, and there is already a lot of legislation, which can create confusion about how to navigate that environment and what the various requirements are. We have already discussed the need to simplify bureaucracy to provide greater clarity about what we are all working towards.

The Audit Scotland report is clear that there is optimism about the resources that are required to

move forward. Our submission, as well as those of COSLA and others, highlights that there has been an underestimation of the resources required to deliver on a promise of that extent, and what the workforce requirements are, whether they be directly within the public sector or other parts of the system.

A range of partners have highlighted that it is not enough to just have good intentions in certain areas when you move into this space. There are clear good intentions and a huge amount of activity around the Promise, but we need to be much clearer about the key deliverables that we are working towards while understanding that we cannot do everything at once.

The Audit Scotland report is clear about the level of ambition in the early years of the Promise, how it has been overegged to some extent, and the need for people to have been more circumspect about what they were trying to achieve and at what pace. The committee will also have noted that that is not specific to this area. A number of themes translate to other recent Audit Scotland reports that highlight how we should navigate the public sector.

My final point is that this issue has been moved forward at a time of huge change. We are mindful of the impact of the Covid pandemic, the fact that we have a cost of living crisis, the general challenges of the fiscal environment and the wider workforce challenges across the public sector. Taken together, all those things create barriers to the pace at which we can move forward if we have to keep to the timescale that has been set out.

To come back to the bill, it is important that overly optimistic assumptions are not made about what is possible and when. Everybody wants to make more progress, and faster. Everyone at this table alongside the committee will regularly meet care-experienced individuals and young people of various ages in our communities to understand what we are doing well for them and what we want to do better. Strategically, however, we need more focus.

The Convener: On that final point, the committee met a number of people last night. It was an enlightening session. I certainly picked up on a frustration that things have dragged on for too long, although I do not want to go as far as to say that there is frustration here this morning.

You have all said that you welcome the report, but I am not sure that we should be welcoming it, because it is quite a damning report and it follows hot on the heels of the Promise oversight board's report in February. These reports regularly say that we are not doing enough, we are not moving fast enough and there is no clear direction. Should we really be welcoming the report, or should we

be worried about it? Mr Savege, I see that you want to come back in.

Jim Savege: I would welcome it and be worried about it in equal measure. My point about welcoming it was just to demonstrate openness to what it says and to take action on that, as opposed to taking issue with or being at odds with it.

We must be clear that meeting the Promise is a significant ambition, which is on a scale that is unprecedented for this country. The amount of change that we are seeking to achieve across many public services and communities is huge and vast. It is not a simple mechanistic task that can easily be broken down, although that is what is sometimes being tried.

You talked about what we are doing or about what the barriers to progress might be. As Professor Sengupta said, one of those is capacity. One point that will become clear when we look at the bill is that we cannot legislate our way to achieving the Promise; it will take capacity, activity and effort. The fundamental point is that we will need a different way of working in practice within public services. A simple legislative instrument will not achieve the Promise.

I can give a practical example, using an illustration from an Aberdeenshire perspective. Members will appreciate that setting a budget is a challenging task for the Government or the Parliament. My own council will have to cut its revenue budget by 7 per cent, year on year, just to stand still. However, within those decisions, children's services have been protected, and we have made no cuts to them at all in the 10 years that I have worked for the authority. Members have made a decision to ensure that we have the capacity to fulfil our responsibilities towards children's services and, within that, to fulfil the ambition and aspiration of the Promise. That is not easy.

I do not have a perfect forecast to say how many more social workers, or housing or finance staff, I will need to achieve the Promise by 2030, because there is no mechanism for doing that. However, we do have to think about what additional capacity the sector will need. The country has said that we want to fulfil the Promise, so the funding, resources must follow, but that is not always the case at the moment.

The Convener: I will bring in Willie Rennie.

Willie Rennie (North East Fife) (LD): You have all expressed caution. I have heard you talk about realism, managing expectations and being overly optimistic. We are already behind the curve on meeting the Promise by 2030—I do not think that anyone here today has said we are actually going to meet it by then, and you have said that a single bill will not move us forward towards meeting it.

Are you saying that we are even further behind than we thought we were?

Jim Savege: Our concern is that the bill, as it is at the moment, could actually take us backwards rather than forwards in our ability to achieve the Promise. It might introduce greater complexity and more state intervention without putting resources in place, which will make the work of our teams harder, rather than easier, and will create more risk of our being unable to achieve the Promise.

I sit here with the ambition of fulfilling and meeting the Promise, but that is subjective. Meeting the Promise will mean something quite different for each young person, family, carer or member of staff. We need local articulation and a definition of what good will look like by 2030, but we will not stop there. As I said, the Promise is not a finite task for us to fulfil and achieve; it is about changing our practice, approach and services as a country, and that work will continue.

My optimism and pragmatism remain, but my concern about the bill is that we cannot legislate our way to achieving that. As we said in the SOLACE submission, there are some aspects of overreach in the bill that we think could hinder, rather than help, progress on the Promise.

Professor Sengupta: I strongly concur. We will make a commitment to keep on working and striving, but, fundamentally, we need resources and a degree of realism—I appreciate your focus on that word, Mr Rennie. We must not try to do too many things. That is strategy 101—if everything is a priority, nothing is a priority, so there is a degree to which we must focus on the areas where we can make the most progress and be realistic about the resources, including staff, that we have available to achieve in those areas. If we do not do that, we will just create expectations. I suspect that that speaks to some of your frustration, because we are promising the young people in our care things that we are simply not in a position to consistently deliver. If I was in their position, I would be frustrated too.

At the same time, as adults and corporate parents, we must be responsible with the resources that we have and must ensure that we are prioritising appropriately. That must be an important part of our on-going conversations.

Willie Rennie: So do you think that the Government should just be frank and admit that the Promise, in the terms in which it was originally set, will not be met by 2030? Do you think that we should just be frank with people, rather than continuing to kid ourselves that we will manage to achieve that target? Report after report tells us that we will not achieve it. We keep on hearing about the need for caution and realism and so on. Should we not just be honest with people and

admit that the Promise that was made in 2020 will not be met by 2030, as was promised?

09:00

Professor Sengupta: I think that the challenge for all of us, including all MSPs, is that, if we want to achieve certain things, we need to put the resources behind that. As colleagues have mentioned, we have identified areas in which the landscape needs to be decluttered. There are things that we need to do to streamline the bureaucracy. The Audit Scotland report and the COSLA submission highlight the degree of reporting that already goes on. There is a range of things that we could do to make the system easier for our staff to work within and easier for our young people and the people who care for them in our communities to navigate. There are things that we could do to smooth the path, and there is absolutely a need for more resources. If we are serious about delivering on the Promise, we need to put the resources behind that, and we need to make the landscape easier to navigate.

Willie Rennie: But trust is really important. The young people we are talking about do not trust very many people. Even if we came up with all the money that was necessary, the process would still have to be managed in a realistic way with the people you have. Therefore, even if the money was all there, would you manage to meet the Promise by 2030?

Jim Savege: To answer your initial question, I do not think that we are in a situation in which we will say, "We're not going to keep the Promise." I think that we should continue to have the commitment, the ambition and the aspiration to achieve it. We must certainly continue to drive and push to do that.

The Audit Scotland report looks at children's services planning partnerships locally. There continues to be a need for a greater level of involvement of and engagement with young people and their families and carers in the development of the plans, a greater focus on the resourcing that will be required to achieve those, and greater clarity on what will be achieved by 2030—and onwards, beyond then. As I said, we will not stop at 2030. We will continue to make progress.

I make the practical point that we should not get confused by the aspiration and ambition that the Promise has set out of achieving a huge amount of progress by 2030, as the process will not stop at that point in time.

The Convener: Mr Berry, is there anything in the Audit Scotland report that is at odds with what Dundee health and social care partnership is

seeing on the ground, or does it concur with a lot of your experience?

Dave Berry (Dundee Health and Social Care Partnership): I have probably been a bit silent—that is because my IJB relates only to adult services. However, when it comes to the work that is done locally in Dundee, I know that the Promise is front and centre of all the planning that is done and everything that happens on the ground.

I echo colleagues' comments about the challenges with resources and the challenge of delivering on the Promise in the timescales that have been provided, but I give an assurance that the Promise is discussed at every meeting of Dundee City Council's wider executive team. There is a real focus on it.

The Convener: I have a final question about the report that came out today. I know that we are here to discuss future legislation, but I think that the report is important, as it will frame our thoughts and discussions as we move forward. Of the £500 million that was announced for the whole family wellbeing fund, only £148 million has been allocated. Why is that money not getting out the door? What is blocking that?

Jim Savege: There are two reasons for that, which I know from experience are typical for one-off money. The first reason relates to the need for a strong administrative process in bidding for and securing the funding, and the second is the timescale within which people are expected to be able to use it. It is a catch-22 situation. If we could slightly ease the burden in relation to the administration of the fund, that would allow a greater flow of the funding to come out. It would also be beneficial and advantageous to have a greater national focus on the areas in which that investment will be made.

The Convener: Has Aberdeenshire Council had experience of wanting some of that money but being unable to get it because of the complexities and the bureaucracy surrounding the fund?

Jim Savege: Yes. Very properly, we all have a responsibility in relation to achieving best value for the public pound. I have no concerns about that. The issue is one of proportionality. As ever with one-off funding, the issue is with the process that one has to go through in order to secure it and the administration of the evaluation work. If the process could be slightly more proportionate, and if there could be some targeting in relation to where, collectively, we want that investment to go, instead of just having a bidding process, that might help. We should consider and explore such approaches.

The Convener: That would be for the Government to look at, react to and hopefully come back to local authorities on.

Jim Savege: And local partners as well. In that respect, this is a whole-team effort.

The Convener: But it is the Government that holds the purse strings, so if the process were to be simplified, it would be on the Government to do that.

Jim Savege: I would welcome work with local partners, the third sector, local authorities and other parties that may wish to access those funds, so that, in combination with the Government, we can collectively consider and agree how best to utilise the funding. Some of that one-off funding is important in giving some initial capacity to make practice and process changes and improvements.

I am thinking about a practical example—again, from my authority—regarding the use of language in relation to plans for young people. It takes time and effort for those plans to work, and family group decision making takes additional staff and workers. It would be immensely helpful to get extra transitional capacity for the funding.

The Convener: Did you hear the Minister for Children, Young People and The Promise on the radio this morning, when she was asked about that point?

Jim Savege: I did not.

The Convener: You did not hear her?

Jim Savege: No, I did not.

The Convener: That is understandable. She blamed local authorities. She said that the Government has put up the money but it has not been spent locally, and basically told listeners of BBC Radio Scotland that you are the blockage. Has COSLA fed in to the Government to say, “Look, this is too complex; we need to make this a more streamlined approach”?

This is important money. The headline figure is £500 million. We all welcome that and want to see it paid out, but the fact that only £148 million has been delivered is a worry. What has COSLA said about that?

Fiona Whitelock: We try to reflect the experiences of local authorities and any challenges that they might have had in spending the money. We have discussed the workforce crisis across the children’s sector, which is relevant to this issue. The situation is simply that there are not enough workers. If we want to move the focus to one part of the system, that will take resource or capacity from another part. We have heard from children’s services planning partnerships and local authorities that work has been done on designing and developing services and projects, but they have then not been able to recruit to them and deliver them as fast as they would like. That connects to the discussion about

the reality of the situation and understanding the situation on the ground and some of the challenges that we need to address, alongside the money and funding.

The Convener: I will move on to questions from Pam Duncan-Glancy in a moment, but first, Mr Savege, you said in response to Mr Rennie—this was quite a stark warning—that the bill could “take us backwards”. However, in the SOLACE submission, you said that you agree with the overall ambitions of the bill. How can you agree with something that you think could be a backwards step?

Jim Savege: Our point is about the proportionality in the bill. We are saying that there are aspects of the bill that are welcome. For example, we would wish to see progress being made regarding some of the changes to the children’s hearings system, advocacy and profit within the system. However, as we said in our submission, it is about proportionality and the extent to which we go there. For example, we have concerns that more advocacy could be introduced than is perhaps necessary or is a duplication, and that, in the way that the work on advocacy is achieved, stigma could be increased rather than reduced. It is about the detail in the bill. It is not a stark yes or no; it is about the proportionality of what has been proposed.

The Convener: Are there opportunities to prevent those things? Are you giving a warning regarding the Government’s direction and saying, “We told you that this would be a backwards step,” or can we as a committee, or can the Government, still change things to make this a bill that is actually wholly positive and that will take us only forward?

Jim Savege: It is in the hands of the Parliament, and we are here today to help advise you to make the best sense—

The Convener: That is what I am asking. Is it possible, based on the framework, for the bill to be improved? Advocacy is a strong element of what is in the bill, and others are saying that it needs to be strengthened even further. I am just worried that you think that the bill could take us backwards.

Jim Savege: We are saying that there are areas that could create greater complexity for practitioners in fulfilling their day-to-day work of supporting young people who are in care, or preventing them from going into care, due to some of the additional duties, responsibilities or complexities that the bill could introduce. That could be a negative situation. Again, I am in the hands of the committee and the Parliament to do their business, make sense of what the

Government is proposing and end up with a better balance than is set out in the bill.

The Convener: Thank you very much.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning. I have been listening with interest. I will start with Mr Savege. You have just said that parts of the bill would take us backwards but that you welcome some of it. Which parts of the bill do you think will take us backwards? Which parts do you not agree with?

Jim Savege: We are supportive of some of the provisions on throughcare and aftercare. We want there to be an improvement and an increase in provision. However, we have a concern about incentivising people to become part of the system unnecessarily so that they can access services. The bill has a strong focus on the definition of “care experienced” and what it means or does not mean. To an extent, people who have been in receipt of support from the state at points in their lives will have to keep on re-entering the system in order for the state to be able to support them.

As I have already touched on, advocacy should be effective, rather than there being duplication or overlap. There is a concern that we could create confusion if there is advocacy at too many different points in the system, rather than it being streamlined and effective. Fundamentally, our principal view is that we want—I will try to say this in the right way—to continue to improve public services so that advocacy is needed proportionately, rather than there being an assumption that advocacy is needed because the system is overly complex and bureaucratic. Surely we should try to prevent bureaucracy and complexity in the first instance. That should sit alongside any proportional advocacy. We need proportionality in those areas.

Pam Duncan-Glancy: One of the suggestions in the bill to take some complexity out of the system relates to the way in which IJBs are involved in children’s planning. We met care-experienced children and young people last night. Much of what they were talking about was the connectedness of their lives and the fact that they do not live in silos. Do you think that the structures and systems in local authorities are able to properly deal with the complexity?

Jim Savege: Yes, but with some questions around that. I will talk about health boards, rather than just IJBs, if I may. Your question touches on our approach to professional practice, which is about how child-centred and person-centred our teams are, and I am, in our day-to-day work. Although we have service structures around which staff, management and budgets are arranged so that we can manage those things on a day-to-day basis, they should not be the lens through which

we do our work and our business. We should have person-centred and child-centred practice in the work that we do. Finance, housing, social work and social care colleagues should be able to transcend the structures and work together in an effective way, with a focus on the young person or their family. That is the practice and the philosophy that we seek to have.

I will not sit here and say that it is always perfect and ideal because there are institutional layers, but the intention is to work across them. My organisation is an £815 million organisation and the reality is that we have to have structures and arrangements for management and staffing so that we can manage the organisation on a day-to-day basis. However, those things should not be the framework through which we view and work with young people and their families.

Pam Duncan-Glancy: I will bring in Dave Berry in a moment, if that is okay, because I saw that he wanted to come in.

I take your point, but the reality on the ground is that the system is not joined up.

Jim Savege: I think that there will be a huge variety and diversity of views from young people and their families. Some will say that the system is not joined up and some will say that it is—there is a diversity of experience in that regard, too. In their work, the oversight board for the Promise and Audit Scotland have noted that the system continues to need to be improved. Work to do that is in hand and we continue to make progress.

Dave Berry: As I said, children and families are not currently in our remit. Across the country, around 50 per cent of IJBs have responsibility for children’s services and 50 per cent do not, so we are starting from that position of variation.

On the face of it, the bill, as introduced, provides an opportunity to have that whole-system integrated family support with regard to strategic planning of health and social care for all the family, as well as the opportunity to connect local priorities across both children and families services and adult services.

09:15

However, the challenge with what is set out at the moment arises with the resources that are brought to the table. When it comes to the planning of children’s services, if I am sitting on an IJB that does not have those services delegated to it, I have no resources to bring to the table. How can I, through that IJB, have that focus through a children and families lens if I cannot bring any resource to the table?

There are certainly opportunities in the bill, but I come back to the point that Jim Savege was

making with regard to how things operate on the ground. That will be the key focus when it comes to delivery.

Pam Duncan-Glancy: Is the £497 million or so shortfall that has been identified in IJB budgets across Scotland affecting what is happening on the ground?

Dave Berry: Some of that £497 million will relate directly to children and families. When you look at the local authorities where children and families services are not delegated and the cost pressures in those systems, that figure moves up quite substantially. There is the resource challenge that we have talked about already this morning, which will cut across any of the priorities that we are trying to look at.

Pam Duncan-Glancy: Against that backdrop, do you think that the proposal is workable?

Dave Berry: Elements of it would be positive steps forward, and, as I have said, there are opportunities to join up our strategies in a better way. One of the key opportunities arising from children and families planning being brought into all IJBs would be the embedding of the Scottish Government's frameworks on population health and health and social care service renewal across the whole system. Indeed, we could include other recent strategies, such as the national palliative care strategy. All those things cut across all age groups. There is the opportunity to have that sort of framework, but the most important issue is what sits beneath that.

Pam Duncan-Glancy: Thank you. Did you want to comment, Professor Sengupta?

Professor Sengupta: I am here primarily in my capacity as director of health and social care for South Lanarkshire Council, where I have the responsibility of being director of social work for children and justice services. As some of you will know, I am also the chief officer for South Lanarkshire integration joint board, to which children's health services have been delegated, but not social work responsibilities.

If you will indulge me, I will switch hats for a second. Picking up on Dave Berry's point, I think that we should distinguish the need for operational joined-upness—that is, how things feel on the ground, which has rightly been highlighted—from the strategic commissioning and planning perspective. As my colleague Jim Savege has pointed out, we all need to recognise that there are great examples that we can highlight, and there are also examples of things that we would all want to do better across our system. As I do, you will hear from individuals with whom we could do better and their frustrations, but you will also hear from many people for whom the system has been much better than it has been in the past, and we

need to ensure that we have the resources and the wherewithal to scale up that activity.

As for what we can do at local or operational level, a big element of that is about having enough space and time to do the work. I come back to the point that this is a very cluttered landscape, and we are asking a whole range of staff to work differently while doing a whole range of reporting under a myriad different policy procedures, as well as working in a very challenging financial and workforce environment.

We have talked about the Audit Scotland report, but you will also be familiar with the local government benchmarking framework overview report from the Improvement Service and COSLA, which highlights the challenges facing not just adult social care but children's social care services; indeed, it talks about a workforce crisis in those areas. All of that makes it harder to join things up. There are fantastic examples of where we have done that in that context, but, again, the ability to do more is very much dependent on staff having the space to go through those different ways of working and to really embed the kind of trauma-informed human rights-based approach that we are all striving for.

From a strategic perspective, something that, I think, Glasgow colleagues have highlighted and which certainly applies to my area is that, although the IJB does not cover children's social work, we take forward children's services planning in a joint manner. In fact, at my last IJB meeting, we took forward a report on the annual progress on the children's services plan for our area. We will disseminate that to the council, as we have to the health board, to ensure that there is proper oversight of everything that is going on and that we can give consideration to those issues in a joined-up fashion. To some extent, the legislation just formalises that approach even more.

What I would highlight, though, is the need to ask what added value we would be bringing to some of those areas. Again, the big challenge, whether we are talking about councils, health boards or IJBs, is resource availability. You have mentioned the IJB shortfall that has been identified through Health and Social Care Scotland, which is a significant amount. I would say—I am looking over at my colleague from Dundee City Council as I do so—that that shortfall is about the same as the total operating costs for that council, and it is about the same as the revenue budget of Borders NHS Board. So, when we talk about figures such as £497 million, we are not talking about a small amount of money. Will it have implications? Yes—absolutely. We need to be clear about the context within which we are operating.

An element of the Audit Scotland report that really struck me is that the national guidance,

particularly on children's services planning, is heavily orientated towards councils. We are having a conversation about IJBs; I understand why we are doing so, particularly given the previous discussions about the National Care Service (Scotland) Bill, as was, and now the Care Reform (Scotland) Act 2025. However, there is, within the guidance, a lack of recognition of the role of the national health service, and I say that as a member of the executive team of an NHS board. The point is that this sort of conversation often rapidly becomes a national conversation about the role of local government, instead of our thinking about all the existing partners. Indeed, the same thing was reflected most recently in some of the reports from the board of The Promise Scotland.

Going back to Jim Savege's point, this is my long way of saying that I am really thoughtful about the added value that is being brought here. Many areas already do this, and I am sure that more areas would benefit from doing more of it, but do I think that it is the key issue here? No, I do not.

Pam Duncan-Glancy: I understand all that, and I acknowledge the bureaucratic, workforce and resource issues that have been highlighted. Ultimately, though, as the Audit Scotland report makes clear, and as we have heard from young people and staff on the front line, planning is not what it needs to be in order to give young people a joined-up, person-centred approach. On balance, do you think that the proposal to move the IJB into the children's planning system is the right thing to do in order to make things better? If not, what will make things better?

Dave Berry: As I have said, there are, from an IJB perspective, some positives and some drawbacks to what is proposed. However, I go back to my earlier point about what difference it will make if I sit on an IJB that does not have resource availability—resource responsibility, I should say—for children and families services. At the moment, IJBs work on a system and process of issuing directions to the health board and the local authority in commissioning work, particularly on changes to services and other initiatives. If that sort of thing is not available to me as chief officer, it makes the planning part not quite meaningless, but the delivery of the plan becomes, from my perspective, almost impossible.

Moreover, when we talk about the planning of responsibilities sitting with IJBs, are we looking purely at planning or at the whole cycle that sits around it—by which I mean commissioning, performance management, reviews and so on? That takes us into a different space, with more complexity and potential added bureaucracy and reporting within systems et cetera.

Fiona Whitelock: That part of the bill potentially adds unnecessary bureaucracy, which we have spoken about. We must remember that the members who make up the IJB are from the local authorities and the health boards, and they already have clear duties in relation to children's services planning. The provisions risk duplicating their existing duties. I suppose that I would also—

Pam Duncan-Glancy: Sorry, but can I interrupt you? If they are not already meeting the duties, surely that would not be duplication. This is about underlining what needs to be done and encouraging them to do it.

Fiona Whitelock: I suppose that the question is about what will make a meaningful difference to the outcomes for children and young people. CELCIS undertook research on a national care service, which you will all be aware of, and it was clear that creating systems and structures is not necessarily key to outcomes for children and young people. The policy memo for the bill connects that to outcomes, but I think that it is missing a few dots in showing why that will make the difference.

We can take some learning from the CELCIS research on the importance of relationships and joint working. The proposed approach is not necessarily the solution; there are bigger questions to be asked.

Jackie Dunbar (Aberdeen Donside) (SNP): Good morning, and thank you for coming. I will ask a question about corporate parenting. As a former councillor at Aberdeen City Council, I was automatically a corporate parent, and I am not sure whether all councillors know exactly what that entails. In response to our call for views, stakeholders have expressed mixed views on section 3, which covers corporate parenting. Some view it as excessive state intervention that could strain the systems that have to deliver it, while others support what is proposed and want to include individuals over the age of 26.

I will come to Mr Savege first, given that the Aberdeenshire Council area is close to my constituency. What are your views on the policy that underpins section 3? What additional guidance, training, resources and workforce planning will be needed to ensure that the bill is effective, if it goes ahead?

Jim Savege: As I have reflected so far, this is a question of proportionality. I will take your first point on corporate parenting responsibility. My experience is that my authority takes that responsibility very seriously. Our 70 councillors have a very clear understanding of that, and have weekly involvement and engagement that is proportionate to their responsibilities. We have scrutinised what we do to ensure that the

appropriate services, whether leisure, housing or finance, are providing support and fulfilling their corporate parenting responsibilities.

There has to be clarity on existing roles and responsibilities. Effectively articulating that is fundamentally important, as is demonstrating that we are carrying out those responsibilities. There might well be a diversity of approaches across those bodies that have that corporate parenting responsibility across the country. The fundamental aspect is how we ensure that it is a live, well-understood and active responsibility that people are fulfilling to the fullest extent.

As Fiona Whitelock touched on, the issue is partly about how we do that in a joined-up way. That has to be done through a family, person and child-centric approach, as well as through an institutional approach. That aspect can be improved.

You asked about rights and whether there is potentially some overreach. We need to strike a balance between the rights and responsibilities of the child and the rights and responsibilities from a family and an adult perspective. In exploring the bill, we need to look at whether we are getting the balance right. Are we moving towards too much state intervention, rather than looking at how the family, the community and society are fulfilling their responsibilities? We need to give greater consideration to the balance that is being struck in the bill.

Jackie Dunbar: Do you think that corporate parenting should include individuals over the age of 26? In real life, we never stop being parents, so when we are corporate parents, should it not be the same? People's problems do not stop when they reach 16, 18 or 26.

09:30

Jim Savege: I will try to navigate through that. There is an interesting point to explore further, through the development of the bill, about whether that is the right thing to do or whether there are other ways to provide support for people once they go past 26. It is about enabling them to access the support that they wish to have without needing to come back into a care environment in some shape or form.

There is also the point that we have explored about what capacity sits behind that to enable and fulfil the support that is needed. I do not want to keep on coming back to the point about resources, but that is the reality and that question has to be asked. We can look at giving rights and entitlements, but can the different agencies and services meet and fulfil those effectively? As ever, the effective implementation of what the legislation sets out is fundamentally important to achieve.

I am slightly sitting on the fence, if that is okay. We think that that is an area to explore further to see what the right balance is.

Jackie Dunbar: We should realise that not everybody wants such support. The impression that I got from the young people who we talked to last night is that they would sometimes like someone to ask for advice, which would not have a huge financial impact. There are different levels of support.

I will bring in Professor Sengupta.

Professor Sengupta: Your point nicely segues into a point that I wanted to raise about current practice, which picks up on Jim Savege's approach. I recognise that the situation will vary across the country and even within my authority. However, I can speak about the young people who go through the children's houses or homes for which I have responsibility. When I speak to the staff and meet young people for whom we have responsibilities, I am always struck by that point that you make. Across the walls, there are lots of photographs of young people who have come in and out of our system. You will hear, for example, that a photograph was taken 10 years ago, and that the person recently visited with their one-year-old child.

I emphasise that that approach is what we work towards, and many of our staff and services already do that—they have connections with our young people. Would we like to do more of that and encourage more of it? Do we want to make our young people—let us be clear that they are young adults—feel confident enough to do that? Absolutely. However, there are questions about the degree to which we need to legislate for that, and whether it is a good idea to do so, because the issue is very much about the culture in services and people having a degree of comfort and trust.

It is a question of building up bonds and relationships so that people feel confident that they can ask and that somebody will pick up the phone and be supportive. For example, it might be someone saying that they do not know what to do with the bank or utilities. It is often very practical things—those are the sorts of examples that I hear about. It is not necessarily about a huge degree of intervention, as you articulated; it is often just somebody wanting a bit of advice, in the way that people would get from their parents, if that is the context in which they have been raised. For me, that ties in with the point about legislative overreach. Is legislation the right mechanism to encourage that?

There is also a resource element. The other aspect that I am really thoughtful about—again, my colleagues have highlighted this—is the

balance between rights and responsibilities. Another way of framing that is as a balance between entitlements. It is about how we support the autonomy or independence of young people as they move through the system, and how we get proportionality and the appropriate balance in the system. Fundamentally, as good parents, we want young people who can stand on their own two feet at the earliest opportunity and who know that there are supports around them. They are part of a wider community, but they do not need the state to be swaddling clothes around them all the time. How do we ensure that we get the right balance and do the right thing for our young people through the system?

Jackie Dunbar: You said that resources would be a problem, but if the resources were there and support was available, could that save in the long term, because the support would be given when needed and not at crisis point?

Professor Sengupta: Absolutely. We would all highlight the importance of early intervention, as and when that is possible, and of making sure that we apply that in an evidence-based fashion. In our systems, you will see examples of where we are redesigning to intervene earlier. In my council area, that process of changing services has been uncomfortable in some regards, but it has often been about how we ensure that we provide the right support at the right time for those who will benefit from it the most.

A lot of that is about rebalancing our approach and having resources available in the right place. At the same time, we need to appreciate that we are dealing with the current demands. Even if we want to move to the situation that you outlined, which I absolutely do, sufficient finance and resources for staff must be in place in the short to medium term in order to bridge the gap. That is another challenge, and we have already talked about some of the other challenges that that creates in practice.

Jackie Dunbar: Ms Whitelock, do you have anything to add?

Fiona Whitelock: On the part of the bill about corporate parenting, providing support is important, and that comes down to the relationships that young people have with whoever is involved in their life. Those informal connections happen day to day. All the time in social work offices, you hear people saying that they have just heard from someone they have not spoken to in years, who is now doing such and such.

We need to be clear about what the bill intends to do in relation to corporate parenting duties. I appreciate that, with the extension of eligibility for aftercare, the Government is trying to extend corporate parenting alongside that, but that is not

what is written in the bill. The Government is not extending that only to those who access aftercare; it is extending it to everybody. There are real questions about what that means. We need to think about, for example, the principle of minimal state intervention. How does the bill align with that? We also need to think about how the bill will interact with parental rights and responsibilities for children and young people who might not have been involved in the system for many years.

I do not think that some of the analysis of those questions or of how different pieces of legislation will interact has been done. I appreciate the intention behind including eligibility for aftercare in the bill, but we need to be clear that the provisions will have the intended effect.

Jackie Dunbar: Mr Berry, I know that you provide adult services, but corporate parenting will—

Dave Berry: Yes, corporate parenting still applies across all our service areas. I do not have much more to add to what my colleagues have described. For me, the focus is very much on what best practice on corporate parenting looks like, and I am not sure that we need legislation for that. Wider efforts could be made to improve practice and provide stronger guidance on corporate parenting.

Jackie Dunbar: Thank you.

Miles Briggs (Lothian) (Con): Good morning. I want to ask a number of questions about aftercare. In its submission to the committee following our call for views, SOLACE cautioned against

“creating a system that incentivises formal care measures”

as a requirement for accessing support, and it suggested that assessment of need would be more appropriate. How could the bill be amended to reflect that? How can the system ensure that the needs around aftercare are met?

I will bring in Mr Savege first.

Jim Savege: I apologise, but could you repeat the last bit of your question?

Miles Briggs: SOLACE’s submission on the bill specifically mentions

“creating a system that incentivises formal care measures”.

How could the bill be changed to address that concern?

Jim Savege: That relates to the conversation that we have just had about having a proportionate approach. I will try not to be too informal in the way that I articulate this. As colleagues have expressed, our many different services provide very person-centred practice. Some take a strong responsibility for families and their communities,

and they are part of them. They always seek to go practical extra miles to ensure that we take a person-centred approach to providing people with support, again, in a proportionate way, so that we do not overreach and overstep in relation to the responsibilities of families, parents and the individuals themselves.

In that context, we need to continue to find a balance in supporting people wherever they need it while, as we have said, not overlegislating by incentivising or requiring people to come into a formal system in order to be provided with lighter-touch support or engagement with public services. Community or familial care might be a more appropriate intervention.

There is also a principle point about how far the state should go to intervene, and how far that should extend in the legislation—which is a slightly different point from how the legislation could be amended. It is a question of how far we go in that respect.

Miles Briggs: You will be aware of the case in Aberdeenshire—it was in the *Sunday Post*—involving Callie Thomson, who had been in formal secure care since the age of 14. When she was discharged from the Rossie institution in Montrose, Aberdeenshire Council declared her homeless and she was placed in homelessness services without a care package. How is the Promise delivering the change that is needed for Callie?

Jim Savage: I would be cautious about speaking about an individual case that is in the public eye when I am not wholly familiar with all the details of it, although I know about it in broad terms. I would be more than happy to follow up on it subsequently, to address any particular points in detail.

In principle, there is sometimes more to the cases that one deals with than is reported in the public domain. Members will be familiar, from your experience of constituency casework, of circumstances with that context as well.

Miles Briggs: Jackie Dunbar touched on this when we were seeking views from Who Cares? Scotland members last night: do you think that it is appropriate that the young people leaving the care system are directed towards homelessness services? That question is for all the witnesses.

Professor Sengupta: I am happy to pick the question up—it is a timely one, not least given the challenges that we have across the country in relation to housing. I encourage the committee to think—as I am sure you do—about how that issue ties in to the wider picture and challenges.

In my own local authority, we have taken steps to, in effect, have a separate pathway for care-experienced individuals who are leaving the formal

system, so that they do not go down the homelessness route. I and the director of housing and resources in our council work closely alongside other colleagues to provide alternatives in relation to that. Some of that is about trying to reduce stigmatisation and to recognise the other specific challenges in relation to it. The other reason why that pathway is important is that it allows us to take a more tailored approach for those individuals.

In terms of what we have to deal with in this period of homelessness challenge, and of the care-experienced young people who are leaving the system, who we need to provide appropriate support for, relatively speaking, the numbers are very different. It is something that we have scope to monitor, albeit that it has taken a lot of work for us to identify a separate route. We do not want those individuals to get lost within the homelessness system, as can happen in some instances, despite the best efforts of all involved, but we must also recognise that there is a bigger problem with the availability of housing and social housing in the system.

From South Lanarkshire Council's perspective, we want the route into the system to be quite distinct. That is why we have developed that approach in recent years. However, it does not mean that more houses are available. The fundamental issue is the housing emergency that we have in this country, which we need to deal with.

Fiona Whitelock: I agree that the housing crisis is a key issue that is affecting those in our care community. There are lots of great examples of local authorities and people on the ground doing fantastic work—Soumen Sengupta just spoke about one, and I know of areas where there are housing officers specifically for young people with care experience. In other places, the housing department has worked collaboratively with young people with care experience to develop its housing strategy. Loads of work is happening on that, albeit that the pressures and challenges continue.

Extending aftercare is not going to fix that issue. We need to be clear about what we are trying to address with the bill—whether that is access to housing support, mental health support or support for whatever the challenge is for an individual young person. Simply having aftercare will not necessarily resolve it. It is worth pointing out that social workers already have the powers to do that for young people of any age after they leave care. There is already a legal framework to allow them to do that, and they want to do it—all social workers want to be able to work in a voluntary, collaborative way like that, without the need for statutory systems.

To be fair, it does happen, but it is not happening as often as it should, because of issues with capacity and resourcing. We need to make sure that it is the right answer to the question. It is not about social workers lacking the legal duties or powers.

09:45

Miles Briggs: COSLA and Social Work Scotland state in their responses to the committee that the figures that were used for the costs of aftercare assessments are out of date. What work is being done to update the cost estimates and the resources needed? What planning around that would be beneficial ahead of the bill?

Fiona Whitelock: We are now working with Scottish Government officials to look at that. You will be aware that they have based some parts of the costs on costings from 14 years ago, before aftercare provisions came into force. In other places, they have used costings for the children's hearings system, which is not directly comparable to aftercare.

We are now working with those officials, alongside Social Work Scotland, to look at what we need to know and how we can get that information. That will involve working with local areas, speaking with chief social work officers and getting costings. That work is happening. It is unfortunate that it did not happen previously, because we are now looking at the bill and we do not know what it will cost to deliver, which makes it very difficult.

Miles Briggs: What would be a more accurate costing?

Fiona Whitelock: We are doing that work at the moment. I cannot give you a number today, because that work has not been done yet, but we are doing it now.

Paul McLennan (East Lothian) (SNP): I want to move on to advocacy services. When we met care-experienced children yesterday, they highlighted for me and the group that I was in the importance of independent advocacy. It touches on section 4 of the bill, "Advocacy services for care-experienced persons", and concerns have been expressed about how the bill relies too much on secondary legislation.

I will turn to Jim Savege on this. Some concerns were expressed by, for example, Adoption UK, South Ayrshire Council, COSLA and so on, about the detail of advocacy provision being left to subsequent regulations. SOLACE's submission mentions that the bill lacks clarity on who qualifies for advocacy, how it will be delivered and how it will be funded. Do you want to say a little bit more about that and about the need for independent

advocacy? That issue came through very clearly last night from the care-experienced children.

Jim Savege: That is an important area. I will try not to repeat what I said earlier, but forgive me if I do. We recognise and respect the fundamental importance of advocacy and the significant importance of independent advocacy at the right point in time. We recognise that that can be important in helping young people to navigate through, in ensuring their understanding of their rights and entitlements and in giving them the support that they need in their day-to-day lives.

As Fiona Whitelock touched on, we sometimes overlook the core profession, within local authorities and elsewhere, of social workers and other individuals who are advocates for young people. It can often feel as though they are not respected for being so. We have a fundamentally important focus on child-centred and person-centred practice in our day-to-day work, and that is not coming through or being respected by some of the proposals that are being made.

Advocacy does exist. I see that in my children's social work teams, day in and day out. It is in their DNA, their bones and their blood. While saying that, I also respect that, as we touched on previously, we have a complex labyrinth of different public services by virtue of how the state works. That also requires some independent advocacy.

Our simple point is about proportionality, and it is about making sure that we have independent advocacy in the right place in the right way, not in a way that is going to start to duplicate or cause advocacy provisions for different strands of a young person's life to collide with each other. We need to make sure that it is simple but effective and that it uses the strength of the existing services. The point is, yet again, about proportionality and reach.

Paul McLennan: You have 15 years of experience in local government and as a council leader. What does the situation look like on the ground? Each local authority is slightly different. Aberdeenshire is different from Ayrshire and Glasgow, for example.

The kids we were talking to yesterday were from different parts of Scotland and shared different experiences, but they all mentioned how important advocacy is. In fact, what came across as the most important aspect, not just for aftercare but for housing, was advocacy. I know that you are trying to find the right balance, which is easier said than done, but how do we make that happen on the ground?

Jim Savege: We do so in a whole host of different ways—that is my slight fudge of an answer—because each different authority,

community or place will have a different footprint for the support that it gives to the young people it works with and their families, and a different footprint for kinship and community care.

We have different commissioned services. My own community is very diverse. The extent to which the whole place supports young people—or not, as the case may be—is going to vary from village to village and from town to town, so we work with the grain of what works in each of the communities. The way in which the community works in Banchory is completely different from how it works in Peterhead; therefore, the way that advocacy is provided will also vary between places.

The extent to which my social work team has to provide advocacy support and work, or commission such work, will vary according to the different strengths, so we use a case-by-case and very person-centred approach. That does not give us an easy answer as to how to provide it.

Paul McLennan: I do not think that there is an easy answer.

Jim Savege: The point is that, if we overlegislate, we fail to understand the richness of the diversity of our communities and the way in which that mosaic or jigsaw comes together.

Paul McLennan: Fiona Whitelock, I will come to you on that one, because the other key point the kids made yesterday was about their input into advocacy. In previous evidence, Who Cares? Scotland, spoke about the importance of independent advocacy. One key issue is how we evaluate that advocacy and another is how we ensure that there is input from those who use advocacy services. What are your thoughts on that?

Fiona Whitelock: Do you mean input from young people?

Paul McLennan: Yes, input from young people. How do councils intend to get that input and evaluate the advocacy? It is key that kids are involved not just in designing the plan but in evaluating it regularly, to make sure that it actually works. That is fundamental. How does it actually work on the ground? Rather than its being delivered to kids, they should know that they are part of the process. That message came through very strongly yesterday.

Fiona Whitelock: In almost all areas, advocacy providers are commissioned by the local authorities, and we are seeing lots of great examples of how they are incorporating voices and lived experiences into the commissioning process and the evaluation of services. Lived experience panels have been involved in deciding which different providers funding goes to and in

reviewing the data on what their services are doing. That is one example of where their voices are being incorporated.

Local authorities across Scotland have a huge amount of knowledge about the voices and experiences of young people. Whether their input is received through a formal process, such as a looked-after child review meeting, or through a social worker sitting in the car with a young person, they are constantly gathering those voices to hear about what is important to them. Local authorities are also doing a huge amount of work to improve processes for gathering that evidence, and they not only are using it with individual young people but are considering how to use those voices to improve service design and do improvement work.

I probably veered off your question slightly, but we understand the importance of advocacy, and we need to ensure that we have advocacy. It is not the case that we have advocacy and therefore it does not matter if services fall apart in the first place. We have to make sure services are rights based from the beginning and that we are investing in that. We have to invest in that and focus on all those different places. We need to give young people choices about how their voices are heard. For some, that might involve advocacy; for others, it might involve other processes—it is about what is right for the individual.

What is lacking in the bill is a clear model of what that process is going to look like. At the moment, a young person can have advocacy for their children's hearing, for their mental health tribunal, for their education appeal and so on, and we do not want a situation in which somebody has three or four different advocacy workers.

Paul McLennan: Some of the feedback concerned the importance of achieving a balance between flexibility and clarity. That might touch on Jim Savege's point about each area being different—he mentioned Banchory and Peterhead, in Aberdeenshire. Is it better to have flexibility at the cost of clarity? Is it bad to have more flexibility in the process?

Fiona Whitelock: I do not think that it is a bad thing at all. Local areas need to be able to create plans and deliver services that are right for their communities, and that looks different in different areas of Scotland. I am stating the obvious, but advocacy provision in Aberdeenshire or the Highlands is different from that in, say, central Glasgow, so there needs to be flexibility.

However, if advocacy provision is to be extended to a much wider population, we need to be clear about what that is going to look like. If it is going to involve local authorities commissioning additional services, we have to be clear that the

current budgets that we have for that are not sufficient and that more resources will be required. Of course, it might involve developing a national model that is similar to the hearings system, the funding process for which would look very different.

We are not clear about those aspects and, in terms of the delivery of this legislation, that work should have been done. I am not sure that we should be leaving some of those really key questions to secondary legislation.

Professor Sengupta: I reiterate the point that others have made about the importance of formal advocacy being in place and of its being trusted and credible. Your point is well made about the feedback that you had from the individuals you spoke to yesterday. We need to get better at making sure that the voices of those with lived experience inform decisions that are being taken—I whole-heartedly agree with that view.

Like my colleagues, I think that one of the elements that could be strengthened through the bill concerns recognising the role of social workers as advocates. That is perhaps more of an underlying principle, as it relates to not only social workers—I speak not as a social worker—but other groups of professionals in this area, too.

We talk about the importance of valuing the people who are involved in social work and social care, and an element of that should be a recognition of their roles as advocates.

As Jim Savege has said, all children's social workers—certainly the ones I speak to—act as vocal advocates for the young individuals they look after. That is not to say that the young people they look after necessarily like what their social worker says all the time. Parenting and professional social work are not about that; they are about looking after the best interests of the young person, and advocating—with a small a—for them all the time.

We need to draw a distinction between advocacy with a capital A, which is about having individuals there to support formal processes, and advocacy with a small a, which involves the on-going engagement that we have talked about. In many cases, young people will not necessarily recognise that small-a advocacy for what it is and, sometimes—let us be clear—will find it rather frustrating. However, it is just part of how professional practice has changed and been strengthened. We need to encourage and reinforce that. Sometimes, people think that capital-A advocacy is needed because the professionals who are involved with the young person are somehow failing them, but that is not the case, and I would certainly challenge any argument to that effect.

Again, we need good independent advocacy for the core processes, but that needs to go alongside an understanding of what professional practice is. I am not sure that legislation is the best way to encourage that, but legislation should certainly respect that.

Secondly, we should be clear about why there can be frustrations around having advocacy. As colleagues have highlighted, that will often have to do with the complexity of the system. Therefore, if you have to choose where to direct resources, I suggest that job number 1 should be trying to reduce the complexity of the system rather than putting more advocacy into the system.

Further, because young people will often be frustrated about how quickly they can access support, I would suggest that the principal issue to address is ensuring that there are sufficient resources in the system to deal with the need, rather than putting more resources into advocacy, as important as advocacy is.

We must be clear about which problem we are trying to sort. There are frustrations about the multitude of processes that we must work through, so clarifying that is helpful. In fairness to the bill, some of the proposed changes, such as those to the children's hearings system, will address some of those issues and are to be commended. We need more changes like that. There is a similar frustration with not having the resources.

Paul McLennan: Do you have anything to add, Mr Berry?

10:00

Dave Berry: I work in adult services, and there is some concern about the resources that would be required for on-going independent advocacy. The services that we commission rely on a turnover and on people moving out of the system, so having an additional case load coming through would take us back to the issue of how to adequately resource that. That is the main focus for me.

Paul McLennan: I will touch a little more on care experience. Sections 5 and 6 of the bill refer to guidance for public authorities and organisations in relation to care experience. Some responses to the call for views were supportive of the proposals for guidance, but there were concerns that the bill does not include a universal definition, which would instead be left to secondary legislation.

Does anyone have a point to make about that? I will come to you first, Mr Berry. Do you want to come in on the definition of care experience before I open up the question to everyone else?

Dave Berry: I echo some of the points made in the submissions about the need to be absolutely clear about the definition, because there will be quite a wide scope if we do not get that right. We need a narrow focus.

Paul McLennan: Does anyone else want to come in?

Fiona Whitelock: We agree with the concerns about leaving a lot to secondary legislation. I have said that about other parts of the bill, and it is a recurring theme that a lot is being left for consideration at a later point.

Another question is about how the definition will interact with eligibility for support and services, which is a worry for local authorities. We want people to be able to access the support that they need, but there will be implications for capacity and resources. At the moment, we are being told that statutory definitions will remain as they are, in which case there is a question about the purpose of this guidance. There is some curiosity about what is coming down the line and a need for that to be clearer.

Paul McLennan: Do you want to add anything, Professor Sengupta?

Professor Sengupta: South Lanarkshire Council has looked at the issue. We recognise the benefit of having a universal definition, but we echo concerns about the possible implications, given that we do not have the necessary further detail that should have been available before you were asked to scrutinise the bill.

Our view is that the definition in the Children (Scotland) Act 1995 and the existing statutory guidance for looked-after and adopted children in respect of the Adoption and Children (Scotland) Act 2007 are sufficient. A wider set of guidance documents could be provided to give a degree of consistency, but that would take us back to the idea of legislative overreach. I am not convinced that there is a need to legislate further in the area, but continued conversations about guidance would be valuable.

Paul McLennan: Do you have anything to add, Jim?

Jim Savege: I echo what my colleagues have said. We have the existing foundations to work with and, if Parliament wishes to do something different or in addition, it should be done through primary legislation. For the reasons that Fiona Whitelock gave, it is too important to leave to secondary legislation, because there would be implications and consequences for the state and for society.

John Mason (Glasgow Shettleston) (Ind): I will ask mainly about finance, but I will start by

picking up on a couple of points that have been made.

Professor Sengupta, you said that social workers can be good advocates for children and young people and look for what is in their best interests. I accept that, but the counterargument from some of the young people and from groups such as Who Cares? Scotland seems to be that the advocate's role is not so much about considering what is best for the child as about what the child wants. I do not know whether you have seen that organisation's video, but it shows a child who wants to be with their sibling, which a social worker might or might not think is in the child's best interests. Is there not a difference between advocating for what is best for the child and just putting forward what they want?

Professor Sengupta: Thank you for raising that point. Again, there is the element to consider that we are coming at the issue from a legislative perspective, and the question is how to work on a case-by-case basis in doing that. Part of the reason why we talk so much about engaging young people at different ages in different ways through the process is so that the professionals who are involved—not only the social worker—understand the individual child's circumstances, preferences, wants and needs and how they change over time.

On the notion of best interests, the first and foremost responsibility is to keep the young person safe. Due to your constituency work, you and other members will be familiar with the fact that there are times that other aspects have to be considered in certain cases. There are lots of other cases in which our primary focus is to keep families together in different shapes and forms through the system and, at different times, to undertake the appropriate risk assessments and have the appropriate dialogue and conversations with all involved. The approach varies from case to case. There are examples in which it has worked fantastically; there are examples in which lessons need to be learned because things have not worked as well as everyone would like.

It is a question of professional practice. No one is saying that independent advocacy is not important in that process. We need to remember that we are talking about taking a child-centred and person-centred approach in order to support young people through periods that are often very difficult. We need to ensure that we value and recognise the role of our professionals in that process, because it is their job and professional requirement.

John Mason: In some circles, social workers are seen as compromised and not really independent because they are paid by the local authority and, therefore, part of their remit is to

please the local authority. Are the two roles not separate? The social worker tries to work out the best result within the budget, and the advocate says, “Well, this may not be possible, but this is what the young person really wants.”

Professor Sengupta: My impression is that no one disagrees with you about the importance of independent advocacy in these processes. We just had a conversation about corporate parenting and our responsibilities to the young children, which we all take incredibly seriously. I view the young people in my care system as my bairns. To a degree, there is a notion that only an independent advocate can champion the child. I can understand why some organisations might propagate that notion, but I suggest that we need to take a slightly more rounded view.

John Mason: As I said, that was just an aside.

Mr Savege, I want to ask you about something that you said a couple of times, which was about the danger of overlegislating. I wonder whether we could explore that, because I agree that we should not legislate in areas that we do not need to. If things work well, that is great, but even if 90 per cent of care-experienced young people have a good experience, how do we, as a Parliament, improve the system for the remaining 10 per cent without legislating?

Jim Savege: Can I come to one of your first points and then come to your question?

John Mason: Yes.

Jim Savege: You talked about pleasing the local authority, but we have to fulfil our statutory duties and responsibilities, which are to achieve the best interests of the young person or child, their family and their community. It is not a separate thing to be done; it is our job and what we do. Sometimes the authority is seen as different and amorphous, but we want to do our best for the young people who are our bairns in our community. As Soumen Sengupta said, we are really very clear about that.

There is no misunderstanding the fact that there is a financial resource framework that we all operate in—every public service does so. However, I see and speak with my social work teams week in and week out, and they juggle things to manage that balance all the time. They listen to the young person, they think about our duties and responsibilities, and they think about resource constraints—but in a rounded way, by considering, “What’s the best thing that we can achieve that’s right for this person?”

I am pushed all the time on the fact that we need to ensure that we are resourcing the services the best that we can. As I said, my council has not cut children’s services in the 10 years that I have

been there, whereas we have cut our revenue budget otherwise by 7 per cent, year on year, in order to stand still. That is an investment and commitment that has been made to fulfil our responsibilities to young people. Therefore, there is not a separate issue about trying to please a local authority, which feels a bit nebulous—if that is okay.

John Mason: Okay.

Jim Savege: On your question about legislation, I come back to the point about advocacy. As Soumen Sengupta said, we can see the importance of advocacy at the right point in time, when young people are going through significant processes, because that experience can be challenging for them and they need support. The issue is about proportionality. Do we need to legislate to set up a universal advocacy provision or service? That could be overreach in terms of need and expectation. How do we build on the strength of existing advocacy, which we have from our professional practice, and enhance it where we need to?

To answer the question—the Government and the Parliament have done this—we need to look at children’s services planning partnerships and their plans to consider how well founded and grounded they are. Within that, you could ask what the provision of independent advocacy services is and how effective and workable that system is. There are existing abilities and mechanisms that can be used without the need to legislate. You can scrutinise and prod them and ask whether we have the right balance of provision in that space. You can listen to the voices of young people through that process, too, and if there is a desire or need to enhance or amend the provision, that can be done through different professional practice or the commissioning of additional services, which might not require legislation.

John Mason: That is fair enough, thanks. I will move on to what I am supposed to be asking about before the convener gives me a row.

Ms Whitelock, on the financial side, you said quite a lot on behalf of COSLA about profits for residential care providers and the question of whether or not fostering agencies should be charities. First, is there a problem with profit and residential providers?

Fiona Whitelock: Are some of them making profit? Yes—

John Mason: Are they making too much profit?

Fiona Whitelock: I do not have figures for how much profit they are making—

John Mason: Does anyone have those figures, or are we in the dark?

Fiona Whitelock: As I have said before, this question comes back to the work that could or should have happened prior to the introduction of the bill. That is key: do we have a clear picture of what the profit-making part of the sector looks like? I do not think that we do. Work is now happening to establish that, but that does not help us with the bill.

Others have distinguished between profit and profiteering, which is key. Local authorities provide residential settings, and we do not make profits—that is obviously not how we work. For us, the issue is more about the impact of the changes for our children and young people—for example, what providers exiting the market or increased costs associated with additional regulatory requirements might mean. Those are our primary concerns.

John Mason: Can I ask about providers exiting the market? For clarity, is the fear that, if we regulate the market more or require providers to not make or at least not distribute a profit, for example, some providers will just walk away and we will then have a problem with a lack of provision? Is that the concern?

Fiona Whitelock: That could happen. If providers are not able to make a profit, they could choose to close. There are other possible scenarios, such as providers in Scotland choosing to take only young people on cross-border placements from England or Wales, which they are still able to make a profit on. Thinking about the wider sector, we see similar residential provision across health and social care, housing and homelessness services. Providers would still be able to make a profit on that, so we could see providers shifting their business elsewhere.

10:15

John Mason: Two of the young people in the group that I was in discussed that point at last night's meeting. They were okay with the idea of the profit being reinvested in, for example, making the building better. However, you also make the point that providers

"are currently required to be non-profit organisations and yet, issues related to profit remain."

Could you explain what that means? For example, one of the young people said that the chief executive of their charity had a very fancy car. Is it the case that, even though providers might not be making a profit, they might not be spending the money in the right way?

Fiona Whitelock: That point related to foster care providers and the idea that, in some situations, there are parent or sister companies and money is moved elsewhere—in other words, profit is being made elsewhere. Regardless of a provider's status as a non-profit organisation,

there might be connections with profit-making organisations.

John Mason: I think that Mr Berry wanted to come in.

Dave Berry: I wanted to pick up on the point about profits. I know from my work across sectors, including the adult care sector, that there are different ways in which profit manifests itself within an organisation.

John Mason: Do you have a clear definition of profit?

Dave Berry: I was going to talk about that. We need to be very clear about what we mean by "profit", because that can manifest itself in things such as provider return. There are what could be described as hidden profits in things such as management fees and admin fees, which are potentially in excess of what you would normally expect.

There needs to be some level of return but, as you have said, there needs to be a level of reinvestment in the improvement of services. It is very difficult to define excessive profit. How do we measure that? Different people in the various sectors have different views on what they expect their profits to be, so there needs to be a bit of clarity.

The other challenge would be, as Fiona Whitelock said, if there is a situation in which providers in the children's field are not allowed to make a profit but adult services can make a profit or a return. Where would that leave people? The potential exists for that to be challenged.

John Mason: In general, would you say that an organisation that is making a profit provides a worse service or a better service, or do you not know?

Dave Berry: There are different practices. We work with a number of organisations that provide a good quality of service that will make a good return, as opposed to a profit. Likewise, there are others that will be there for the profit. It largely depends on the business make-up of the organisation. If there is an umbrella company, there might be a bit more of a push on the profit element, rather than the quality aspect. From a care perspective, we balance that off against the Care Inspectorate's gradings and so on. We would not continue to put business the way of an organisation that continually received lower grades from the Care Inspectorate.

John Mason: The point has been made that we are dealing with residential providers differently from how the fostering agencies are dealt with. I think that COSLA made that point, along with others. We are insisting that one group be charities, but not the other. That is slightly different

from the Welsh model. Are you comfortable with that arrangement, or do you have reservations about it?

Fiona Whitelock: I would like to go back to your previous question. In 2022, the Competition and Markets Authority did a report on the subject; I do not know whether you have seen it.

John Mason: Was that mainly about England and Wales?

Fiona Whitelock: It is a United Kingdom-wide report, but as the profit-making sector is much bigger in England, it is likely to be skewed in that respect. The CMA clearly said that there is little distinction between the type of provider when it comes to performance and quality, regardless of whether the provider is a local authority, a charity, a non-profit body or a private sector organisation.

As I said, that is a UK-wide report, so there is probably scope for more information to be provided on the Scottish context. I do not know whether others have more information. However, it is a key piece of information, because although there is a clear moral and ethical argument for why nobody should profit from our most vulnerable children—which is absolutely true—if we know that their wellbeing is protected and they are getting the best outcomes, we do not want to make their situation worse by introducing regulations.

John Mason: Do you think that dealing with fostering agencies differently from residential care providers is justified?

Fiona Whitelock: To be honest, as our response states, it is not very clear why we are dealing with them differently. That would be my question. I know that, in previous discussions, there was talk of foster care being further along. There is still a bit of a question mark around how we are dealing with that aspect.

John Mason: Does anyone else want to come in on that point?

Jim Savege: As colleagues have said, there is a profound difference between profit and profiteering. It is really clear that we need to have a commercially viable and sustainable provision of services. As members have already mentioned, there are cases in which we need to make placements and to be able to call on commissioned services to provide support. The state will not be able to do everything in that respect.

From a legislator point of view, there is a question about reach and how we strike the right balance in relation to profit or profiteering. We have a good understanding of the financial resilience and viability of our supply chain and our commissioned services as part of our day-to-day working relationship with them. On the principle,

the question is whether the Government wants to legislate to stop private companies being commercially viable or whether it is trying to achieve something else here. We need to have provision in the services.

Professor Sengupta: As COSLA has said, from a principled perspective, we absolutely welcome consideration of profit limitation, in order to avoid any sense of profiteering in the provision of services to people who are often the most vulnerable in our communities.

I amplify colleagues' point that, if we are moving in that direction, it is crucial that we have more information at this stage, not least in relation to how to manage the process. I am not talking about trying to maintain the status quo, but if we are to move away from the status quo, we need to do so extremely carefully, given the particular challenges that we face in ensuring that we do not disrupt care arrangements for our vulnerable young people. That process needs to be done thoughtfully.

I am thoughtful about the need to ensure that we take an approach that is consistent with how we deal with adult services. In other parts of the Parliament, there are often discussions about how to maintain the market that, in effect, exists for adult services. I think that there is a need to consider, from a public sector perspective, how we can take a consistent approach.

Fundamentally, though—I speak from my council's perspective—when we commission independent or private sector provision for high-cost placements, we do that not as a policy preference but out of necessity. I am very conscious of increasing costs in that space and, to some extent, supplier capture. Why do we go there? We do so because we are talking about the provision of support to very complicated individuals, the interventions for whom need a high degree of specificity and a high level of staffing input that is not readily available in most local authority areas. Most areas cannot provide that kind of service on their own. We would not have enough staff or enough throughput to maintain the level of expertise and to provide the required quality.

John Mason: Would it be a concern if people started walking away from the sector?

Professor Sengupta: There is a bigger question, which is whether there are other ways in which we could ensure that that provision is in place. That point was mentioned in my council's submission. We could consider, for example, the work that we continue to do with Scotland Excel on commissioning services from a small number of providers on a Scotland-wide basis. We could also consider how the Scottish Government could work

with local government and others on, say, the regional provision of such services in the public sector, so that we are not so dependent on the independent sector, regardless of the degree to which it is making a profit. In effect, we rely on some of those providers for some of our most vulnerable young people.

John Mason: The bill cannot cover that area as well, but I accept that it is part of the answer.

Professor Sengupta: To some extent, the question is whether we need legislation to address those issues and whether those are the right issues to be dealing with. I am suggesting that, as important as profit limitation is from a principled perspective, there is a bigger question here, which is that of why we cannot provide the provision for the young people in question in a different and more sustainable fashion.

John Mason: I think that we could spend longer exploring all that.

I will ask one final question. Is the financial memorandum fair, or do we simply not know? From what we have heard, especially in relation to advocacy and aftercare, we are simply not sure what it will, or might, cost. We are presumably fairly sure about the cost of paying the chairs, which is the other big bit.

I do not know whether you can give me a yes or no answer. However, this committee has to say whether we think that the financial memorandum is okay, whether we think that the amount required should be doubled, or whether we simply do not know.

What do you think that we should say, Mr Savege?

Jim Savege: My suggestion would be that it understates matters and that it needs more work. It uses data in relation to benchmarking that is probably more than a decade old; more contemporary information could have been used to do the forecasting. Although it accounts, to an extent, for some of the transactional costs that the bill may give rise to, it does not deal with the consequential impact and effects that the bill would have in relation to the provision of services or support. In simple terms, there is not enough there.

To come back to the point of principle, there is also a question, as ever, as to whether we need to legislate for many of the matters here. That is a second point—

John Mason: I think that we have covered that already. I am really just—

Jim Savege: The financial memorandum understates what the need would be if the bill were

to be passed as it stands at the moment. There is not enough there.

John Mason: Is there broad agreement on that?

Yes, I think that there is.

Bill Kidd (Glasgow Anniesland) (SNP): I have a relatively straightforward question on the register of foster carers. It is probably targeted mainly at Fiona Whitelock, given that COSLA stated in its response to the call for views that the purpose of the proposed register of foster carers was “unclear”. How might the Scottish Government improve the proposals and provide more clarity on the register?

Fiona Whitelock: In the policy memo, the Government set out some of the challenges that are there and what it intends the register to address. However, I would have liked to have seen clear justification for why such a register is the only way to do that. There might be other routes to address some of those questions.

One of the areas, for example, was around safeguarding. Within local authorities, there are processes in place at the point at which foster carers are approved and registered. Checks are done with other areas that they might have come from, including, obviously, disclosure checks.

There is a question about whether there are ways to strengthen safeguarding within the current process, as opposed to setting up a whole other system. We know that there is a crisis in the recruitment and retention of foster carers, but there is no clear connection between that and the register. We need to ask whether we are focusing our attention, resources and time in the right places, when we know that we need to address that crisis in order to ensure that we have sufficient foster carers and that they are well supported.

The other point is around data and reporting. There is already a huge amount of reporting from local authorities around foster care, so how will the register align with that? Will it increase that burden? Again, if having a register is about understanding what the foster care community looks like, we need to ask whether we can do that through existing reporting structures, rather than by creating something new.

In my view, the purpose of the register is unclear, because there has not been a clear exploration of how else we might achieve some of those things without having to set up a whole new process.

Bill Kidd: Has the Government not really co-ordinated its direction along with COSLA and the other organisations that are involved? Has it just come up with this and landed it on you?

Fiona Whitelock: It is fair to say that we would have liked there to have been more collaborative working prior to the bill being published. There was not a lot of joint working. We offered support around the financial memorandum and working out some of the costings, but our offer was not taken up.

We would have liked more partnership working prior to the publication of the bill—or, I should say, during its development.

Bill Kidd: I can see a starey look from Jim Savege. Do you have something to add, Jim?

Jim Savege: I was just going to agree completely with what Ms Whitelock said. I am in total agreement on that last point. It is relatively unusual not to have had some joint working or collaboration on the development of a bill, in respect of how it might progress through Parliament.

To go back to the start of our conversation, the Promise is a team effort. It requires everyone across all public services to fulfil it, and we think that the bill would have been enriched if we had had greater collaboration at the outset.

10:30

Professor Sengupta: I will pick up on another theme in that regard. If you were to ask us what the benefits of a national register would be, I could certainly explain what I think they would be. However, as my colleague has highlighted, the bill would be strengthened by articulating clearly what problem it is trying to solve by proposing a national register.

Secondly, simply having a register will not, in itself, solve whatever the problems are. We need to think about how we can make it easy to use that register from the point of view of transparency and accessibility. That ties in with the point that COSLA articulated strongly in its response about the need to recognise the administrative and bureaucratic burden that can be created even by such well-intentioned arrangements.

There is also the theme of reducing complexity. Some of you will be familiar with the two-in-one approach to meetings. I sometimes think that, if we are to introduce a new system, we should remove two old ones. Therefore, if we are to have a register, we need to make sure that it is as straightforward as possible for people to keep it up to date. It is not enough to have a register. We need to have an accurate register, which people can access and use reliably.

There is a range of things to consider in relation to a register. Further information is required to provide assurance so that it is clear what problem the register is trying to fix and to ensure that the

register will be set up in such a manner that it can do those things in practice.

Bill Kidd: Dave, do you have anything to add?

Dave Berry: I do not have much to add to colleagues' comments, but I will pick up on Soumen's final point. If the register is to be effective, it will have to be alive. It will take a lot of time, capacity and potential investment to make sure that it is kept up to date on a daily basis.

Bill Kidd: That is very useful indeed. Thank you all very much.

The Convener: In response to Mr Kidd, Ms Whitelock and Mr Savege, you both said that the Government could have engaged with you more. This is a team process, particularly in relation to the Promise. Do you feel snubbed because the Government did not come to you? Why did it not? On a bill of such importance, you are not the first witnesses to tell us that there was no Government outreach. Do you feel snubbed? If so, why?

Jim Savege: It is for the Government to explain its approach, but I reiterate that it would have been better for us to have been more involved earlier on.

Fiona Whitelock: I do not know whether it is a question of feeling snubbed; I imagine that it is not a personal thing. The Government will have its reasons for why it approached the process in the way that it did.

The Convener: What was particularly telling about your evidence was that you said that you offered to help, particularly with the financial memorandum, which Mr Mason's questions have raised concerns about. When that offer was made, the Government did not accept it.

Fiona Whitelock: As I said, we are working on costings, so I suppose that it has accepted our help after the fact.

The Convener: But the financial memorandum was published and lodged with the bill, and that is what we have to deal with. It is quite telling that COSLA offered help and support, but it was not accepted. I just want to confirm that I am not putting words in your mouth. Is that what you are saying about the financial memorandum?

Fiona Whitelock: Yes, I have said that. That is what happened. It is unfortunate, because we want to have a bill that will truly have a positive impact on the lives of children, young people and families. We want to have a bill that can be delivered. It should have all the right principles and be based on all the right things, but it should also be able to be delivered, have an impact and create change. That is what we want.

It is unfortunate that there was not more collaborative working with COSLA and others. You

have heard that from other people in previous sessions. Had there been more joint working, we might have had something stronger.

The Convener: One final area that we have not touched on so far is children's hearings. A lot of people who responded to our call for views were positive and welcomed the enhanced role of the reporter, but COSLA was quite critical, noting that the reporter can already have informal meetings and that professionals should already be working with the child and family to support their understanding of the process. You believe that the introduction of a meeting with the principal reporter raises questions about roles in the process.

Could you explain the background to your concerns? The bill addresses the issue, but are there non-legislative ways in which it could be addressed?

Fiona Whitelock: I guess that, when we talked about clarity of roles, we were talking about the role of the principal reporter and what the purpose of the meeting would be. If a child or young person or family are to be invited to such a meeting, they need to be clear about what can be discussed and what is not for that forum. It is not an opportunity to have the same discussion that would be had during a full children's hearing. There needs to be clarity about the purpose of those meetings for the children and young people so that we are not just adding another meeting that could confuse them. The system is confusing for professionals, never mind families.

We have also heard in earlier evidence sessions about the reporter potentially being in a tricky situation if the meeting is about supporting the family's understanding of the process or what is going to happen. It is not a forum in which decisions can be made, and there needs to be clarity around that.

There is a point about the role of others, such as the multi-agency team around the child and family. Part of the social work role in the relationship with the family is about supporting them to understand what is going to happen. Whose role is that? Is it the reporter's role or is it the role of the multi-agency team around the child? That is what I was getting at.

The Convener: Thank you for that.

Professor Sengupta: That last point speaks to some of the questions that have been posed here today, and it swings right back to the Audit Scotland report that was talked about at the start. Aspects of the process are quite organic, in that they involve thinking about how we can ensure that we provide young people—in particular, some of the younger people in the process—with clarity about what is going on, make them feel confident and give them options. For lots of different

reasons, they will sometimes have concerns and there will need to be more than one person they can speak to.

At the same time, especially when it comes to the children's hearings system—again, my council welcomes a lot of what is set out in the bill—roles and responsibilities are important. The Audit Scotland report talks about the importance of governance and clarity around roles and responsibilities. Incredibly important decisions are made through these processes, as we all know. In order for those to have legitimacy and integrity, there should be absolute clarity about the roles of certain individuals and what they are there to do, and about why they need to have conversations with individuals as part of the process. Even with the best of intentions, if we do not have such clarity, that can call into question decisions that are made as a result of those arrangements, which does not help anybody who is doing their best with and for our young people.

The Convener: Thank you very much. I thank you all for your time and for the evidence that you have provided on the bill. It is much appreciated.

I suspend the meeting for about 15 minutes to allow for a change of witnesses.

10:37

Meeting suspended.

10:49

On resuming—

The Convener: Welcome back. I welcome our second panel of witnesses. Charlotte Wilson is temporary chief inspector for children and young people at the Care Inspectorate; Maree Allison is chief executive of the Scottish Social Services Council; and John Trainer is chief social work officer for Renfrewshire Council and convener of Social Work Scotland.

Do our witnesses have any initial thoughts on today's report by Audit Scotland and the Auditor General on progress on the Promise to date? How should that report frame our thoughts about the bill that is in front of Parliament?

Maree Allison (Scottish Social Services Council): The SSSC is the workforce regulator, and some of the key points in the Promise relate to our role because they are about ensuring that the workforce is supported, through regulation, to uphold relationships with children so that they feel loved and valued. There are some specific points about our fitness to practise process. We have delivered some of the most important aspects of the work that we need to do in response to that, some of which is highlighted in the Audit Scotland

report, and we have other things in train and expect to deliver them within the timeframe.

One important point that comes through from the report is that successful delivery needs a skilled, resourced and supported workforce. We know that the challenges that the social work and residential childcare workforces are experiencing at the moment mean that it will be challenging to deliver the additional responsibilities that would be placed on them as a result of the bill that we are discussing today. That is an important point for us as the regulator.

John Trainer (Social Work Scotland): Thank you for the opportunity to present to the committee today on behalf of Social Work Scotland.

The bill, and the delivery of the Promise, are really important. I saw the Audit Scotland report when I woke up first thing this morning, and quickly scanned it. For me, there are three key messages in the report. The first is about pace. The report says that we are not where we should be, echoing the midway report from The Promise Scotland earlier this year. I find that incredibly disappointing. The second point is about investment. There has been talk of investment to help the delivery of the Promise—I think that a figure of £580 million is mentioned, and the report talks about what has been made available so far through the whole family wellbeing fund. That takes me to my third point, which is about co-ordination, or the lack of it, between all partners, including the local government family, the Scottish Government, the Parliament as a body that is different from the Government, and the wider sector. Those are the three key messages for me so far.

I also picked up on a bit of hope in the report, because the report says that we can still deliver the Promise. What seemed to me to be missing was an understanding of what has been achieved so far. That links back to my point about co-ordination. We have not been good at gathering information from across the country about what has already been achieved, but lots has been done without the need for legislation or additional investment.

Charlotte Wilson (Care Inspectorate): To some extent, the report reflects what we already know. The Promise called for an ambitious overhaul of the care system, which was always going to take time.

We have seen slow but incremental progress towards keeping the Promise. We know that there is much more work to do, in the context of a sector that has been under considerable pressure in recent years. Our work shows that the sector is trying really hard, and the report reflects that. In the past year or so, we have seen the grades

given to residential childcare improving, which reflects the hard work that the sector is putting in, despite difficult circumstances.

The Convener: The bill was introduced long before the report came out, but we are aware of the mid-term review by the Promise oversight board and know that concerns have been raised.

Mr Trainer, will the proposals that are before the committee and Parliament to scrutinise and potentially agree on deliver on what people are calling for, whether in the Audit Scotland report or in the responses to our call for evidence?

You do not need to operate your microphone; we have specialists in the room to operate it for you remotely.

John Trainer: My apologies—I am used to the council chamber, where we have to operate the microphones ourselves.

For me, professionally and personally, the bill is disappointing. I do not think that it will deliver the Promise. As a professional social worker who comes to work every day to try to improve the lives of children and young people, I find the bill frustrating. I listened to some of the earlier evidence this morning, and I agree with what was said about a lack of co-ordination in the approach.

There are individual aspects of the bill that I would endorse, such as the proposed changes to the children's hearings system, which I welcome. However, the bill has missed the opportunity to declutter the landscape. Instead of that, we have an additional bill that, if it becomes an act, will add to the legislative framework that children and families social work, education and health services will require to operate within. That adds complexity and does not declutter the landscape, and that is where I think that the bill fails.

Maree Allison: The bill looks to deliver on some key points. From our perspective, the only legislative requirements that would need to be considered around professional regulation are those that would be involved if regulation were to be expanded to other groups of the workforce—I know that the committee might come on to ask about foster carers.

We are not specifically seeking any further legislation to enable us to deliver the Promise, but there remain questions that I think are unanswered at the moment.

Charlotte Wilson: I agree with what John Trainer said about the bill contributing to an already cluttered legislative landscape. The Promise called out that issue, and there is a risk that the bill will contribute to the problem.

That said, progress towards keeping the Promise was always going to be incremental—we

were never going to achieve everything overnight—and the bill is one important step towards us helping to keep the Promise for Scotland's children and young people.

The Convener: Mr Trainer, you used quite stark language when you said that, for you, personally and professionally, the bill is “frustrating” and “disappointing”. Did the Government engage with yourself and others in Social Work Scotland? Our previous witnesses expressed disappointment that COSLA and local authorities were not involved. Do you think that the Government did enough engagement before presenting the bill?

John Trainer: I have to answer that honestly by saying no, the Government did not do sufficient engagement with a range of stakeholders during the development of the bill. That is disappointing. The bill could have been strengthened had the Government engaged across the professional bodies that work to support Scotland's children, young people and care-experienced adults. It would have been vastly improved if that had happened, as some of the issues that I am conscious that you will probably want to raise later would have been addressed. The situation is disappointing because the Government has engaged with relevant bodies during the development of other bills.

The Convener: Committee members will definitely raise some of the issues that you refer to. I will bring in Miles Briggs at this point.

Miles Briggs: Good morning. I want to ask a few questions about aftercare. We had a good session last night with some care-experienced young people, and I want to ask about the principle of care-experienced young people accessing support. Social Work Scotland's response to the committee's call for views expressed significant concerns about the proposal in the bill around assessment, given that the group concerned would be huge and it would be difficult to resource the necessary work, especially as we have no good relevant data or numbers. Therefore, I am interested in what the witnesses would like to see in the bill, especially around eligibility for aftercare assessments and support.

I will put on record that, last night, a few young people said that they had been trying to progress moves towards the establishment of an opt-out system, which has not been taken forward in the bill. I would like to hear people's comments on that, too.

That is a two-part question. John Trainer, could you respond first?

11:00

John Trainer: That is a really interesting question. I wholly endorse the principle of aftercare, but we already have legislation that is permissive to some extent and allows us to offer those services. If you roll back the whole legislative picture, you will see that section 22 of the 1995 act allows us to provide support to children and young people. Rolling back even further to the Social Work (Scotland) Act 1968, you will see that section 12 allows social work services, in particular, to provide for the variety of need in a whole community.

My concern, and the profession's concern, about the aftercare extension is that, first of all, we are unclear what groups of young people with care experience will be covered, how that will be defined and how it will manifest itself in the duty on the local authority. We are also concerned about what resourcing will look like. Currently, there are a number of areas of pressure in the social work world; for example, we know that we do not have sufficient numbers of social workers, and there are large numbers of vacancies across Scotland. Therefore, when it comes to having a new legislative burden, we need to think about whether it adds to the complexity of recruitment. Is it something that we can deliver, or not?

The idea that we have had from young people of having an opt-out system is a good one, but I genuinely believe that they already have that through other parts of social work legislation that they can access.

Miles Briggs: You mentioned decluttering, and then you outlined lots of different bits of legislation that will be brought under the bill. Are the good transition principles, which are now in place, not being delivered? Is that the honest answer here, and is that what the committee needs to follow up on? In other words, what does a good transition look like in practice for young people accessing services? For example, I have highlighted the removal of compulsory supervision orders as a trigger for people just to say, “You're on your own now.” How can that change?

John Trainer: Transitions do not operate in the way that we would want, but that is a structural issue, not a legislative one, and I do not think that legislation would necessarily fix it.

On the removal of compulsory supervision orders, if we endorse the principles of the 1995 act, which is about minimum necessary intervention and a no-order principle—that is, the state should interfere with an order only where it is in the child's best interest—we should actively remove the order when it is no longer required. That should not mean that a young person stops receiving services.

In fact, only yesterday I reviewed a case in my home authority in which children's panel said, in its reasons, that it wanted to continue the supervision order for the young person to ensure that they continued to receive services. Even though the social worker was saying, "This young person will continue to get these and additional services, because that is our commitment", even though the mum was saying, "We have had these services, and we know they will continue", and even though the young person was saying the same, the children's panel members, on a majority verdict, continued the supervision order, because they felt the need for compulsion to ensure that the young person received the required service. Compulsion does not deliver the service; it is the ethos, the culture and the general responsibilities for social work that do so.

Maree Allison: From our perspective, the general principle of improving support to people who have care experience is something that we agree with. We would defer to others from whom you have heard evidence this morning and to Mr Trainer, because they are much closer to the actual practicalities of how the legislative framework works and is delivering in practice.

On the point about the workforce, though, our data shows that children and families social work numbers have decreased by 2 per cent since 2020; however, the number of main-grade children and families social workers has actually decreased by over 8 per cent in that time. Moreover, the survey work that we have done to understand workers' intentions with regard to staying in the profession shows that 22 per cent are looking to leave within the next year. Therefore, any extension to provision has to come with the right support to get the numbers that will be needed in the workforce and, indeed, to enable the workforce to deliver what is expected. After all, the consequences of not delivering what young people expect can have regulatory impacts, with people complaining through, for example, fitness to practise processes.

Charlotte Wilson: Although we recognise the potential benefits of the proposals, they need to be considered in the context of a sector that is experiencing significant resource constraints. Given that the proposals will have significant resource implications, any progress towards meeting them, in terms of growing an appropriate workforce, will need to be incremental.

Ten years on, we are still seeing the implications of continuing care needs not being fully met for a large group of young people. We have recently undertaken an inspection that focused on the area of continuing care, the results of which will be published in the coming weeks. We can send that on to the committee if it would

be of interest. We also carried out a thematic review of transitions for young people. In that review, we recognised that, until the structural issues are addressed in order to enable young people to have access to services such as accommodation, there will be further logjams, rather than resolutions.

Miles Briggs: Ms Allison, you have outlined the workforce challenge. I would point out that the concept of a national social work agency sat within the National Care Service (Scotland) Bill, as it was originally called, and is being progressed only now, at the end of this session of the Parliament and at the midway point of delivering the Promise.

Having spoken to social workers, I worry that there does not seem to be much space for additional work to come their way. What do you think could be a better model for delivering outcomes? The young people to whom I spoke last night suggested having teams in services—be it health, housing or education—that would have some understanding and would be a point of contact. The university sector is probably in a better place in that respect. How will we meet that workforce challenge? In the time that I have been in the Parliament, social work has not been in a good space, and we are about to add more to its workload.

John Trainer: You are looking at me, Mr Briggs, so I will respond.

I have been a social worker for more than 30 years—as you can probably tell by looking at me—and I am proud to be one. The social work task is complex and wide ranging. The social workers who come to work every day across Scotland to deliver for children and families are really committed, but they do not do this work on their own; we have a range of support staff who help us.

I can highlight a good example with regard to aftercare that comes from my home local authority, but which is replicated across a number of other authorities. A social worker will have responsibility for planning with the young person their pathway plan to adulthood, but a range of support staff will help deliver it. That might include someone going in to provide practical advice and guidance on how to budget or how to manage their front door, something that is often a challenge for new tenants or home owners—indeed, we have probably all experienced that ourselves. It needs to be a team effort.

As for the national social work agency, which you mentioned, I just want to put on record that I welcome it. I have told you that I am a proud social worker. I would have liked the first Parliament in 1999 to have established a national social work agency, or perhaps to have ensured that we

always had a cabinet secretary for social work—the issue is that important. Social work can help deliver not only for care-experienced children but for many of the ills that we still experience in Scotland, including poverty or the marginalisation of certain communities—for example, getting people with learning disabilities back to living full lives. To me, that is important.

Delivering new social workers takes time—and that is my concern. For a start, they have to get a university education. I welcome the Government's announcement of the social work graduate apprenticeship system, which we are already seeing applications for. Indeed, my own local authority put out an expression of interest and I have had, to date, 40 applications from staff across Renfrewshire who are keen to secure a professional qualification and contribute in that way. It will not be easy, but there is potential to have that workforce.

As Charlotte Wilson has highlighted, where we will face other challenges is in other areas of support. We need care staff, residential children's workers and family support workers, but there are many competing demands from the market for that skill base. We need to ensure that children's work is appreciated and attractive.

Charlotte Wilson: On Miles Briggs's point about young people having the opportunity to opt out, we would always take the position that this is all about catering to individual young people's needs. What one young person needs or would benefit from will be different from what another might need. That will be the same for children, irrespective of whether they live at home with their families or are care experienced. Therefore, whatever proposals go ahead should be flexible enough to cater to individual young people's needs.

Maree Allison: On the social work point, the graduate apprenticeship system that Mr Trainer has highlighted is one way of expanding routes into the profession. Having a supported first year in practice is all about trying to ensure that people who come into the profession stay in it, by making their experience of transitioning into social work a good one.

The agency, in partnership with COSLA and Social Work Scotland, is not just looking at that through the lens of social work—it is looking at everyone who is connected with social work roles and works around children. We have been doing work on the social work assistant role, with consideration being given to whether they should be registered with us, given that the provision of that support is an expanding area. Across the system, the issue is being looked at and is considered as being about not just social work but all the roles that work alongside children.

Bill Kidd: My question is on the sometimes controversial issue of corporate parenting. Stakeholders have mixed views on section 3 of the bill, which covers that matter. Some view it as excessive state intervention that could strain the systems that are supposed to deliver the bill, while others support the scope of the provision and, indeed, want it to cover individuals over the age of 26. What are the views of the witnesses on the policy underpinning section 3? What guidance, training, resources and workforce planning are needed to ensure that it is implemented effectively in practice?

John Trainer: I want to put on record that corporate parenting is a duty of local authorities, and that a number of other agencies deliver it and have shared responsibilities in that respect.

We had a really difficult conversation in Social Work Scotland about whether we would support the extension of corporate parenting. I come back to my point about minimum necessary intervention, what is permissive and other legislation that already allows for individuals to seek support. I watched one of your earlier evidence sessions, and saw Mr Adam, who is a local MSP, talking about his experience of corporate parenting in my home authority area. Because we believe corporate parenting to be really important, we contracted with Who Cares? Scotland to deliver training on corporate parenting for elected members in our area—and it is happening not just in our area, either. It is being replicated across Scotland, and the Government has funded Who Cares? Scotland to deliver it.

The question, though, is: at what point do you stop? I heard an interesting discussion this morning about whether folk returned to, for example, the children's house that they lived in, and what that would feel like. We need to recognise that many of us will return to our families. If you have a settled family, you will go back to visit your parents, your brothers and your sisters. For many of our care-experienced children, the children's house or the foster care placement is their really important place.

However, the children's house might have changed dramatically. The staff, for example, could have changed; every member of staff who worked in that children's house when they were a child might have gone or moved on. What does it feel like when they go in and see all those strangers whom they do not know? What I do know is that those strangers will treat the person with respect and dignity, issue them with a welcome and treat them as their own. However, if we extend things too far, will things become cluttered or confusing, and will we be able to deliver that sort of thing? As a profession, we are interested in exploring the principle further.

Perhaps if we had had real engagement with the team that was preparing the bill, we might have ended up with better provisions on this matter.

Bill Kidd: Thank you very much. That was interesting.

Maree Allison: As we do not deliver services directly to children, we are perhaps a step removed, although we are a corporate parent. In general, though, we absolutely support the principle of ensuring that children who have been care experienced are supported, particularly as they move into adulthood. However, I defer to others with much greater experience of the practical challenges that might exist. There is also a question about the exact definition of “care experience”, and that is one of the areas where the bill leaves some gaps for further exploration.

11:15

Charlotte Wilson: We agree that further clarity on that definition would be helpful. I should say that my own organisation has removed the 26-year-old age limit as a barrier for the further participation of care-experienced individuals. Broadly, it comes back to having a person-centred, trauma-informed approach to meeting individuals’ needs. After all, the needs of young people, and those who are care experienced, will vary.

Bill Kidd: What the three of you have said is very positive in general, albeit that you have highlighted issues that still surround important elements of the bill.

I want to go back a bit and talk about the previous panel’s point that there needs to be more development of and conversation about the ways in which the Government and organisations such as yours that deliver services to people operate. They have to ensure that corporate parenting works properly and benefits those living with it. Is there still space to develop and improve things as we go forward?

John Trainer: As someone who takes my corporate parenting responsibility incredibly seriously, I think that there is scope for us to improve on what the Government wants, even in the bill as it is at this stage, through these kinds of discussions.

I found Charlotte Wilson’s point about the Care Inspectorate removing the 26-year-old age band to be very interesting. I guarantee to the committee that across Scotland some individual practitioners in social work teams will be responding to people of all ages. Indeed, I can give you an example from my local area. My deputy chief social work officer regularly gives support to a care leaver who is 33 years old, because, despite all our best

intentions, they remain vulnerable. The care leaver first met that social worker in 1996 and formed a relationship with her. You can rely on individuals sometimes, but not always, and that is why we need some legislation.

For me, the issue with the bill is whether the legislation gives us what we really need. I know of some care-experienced young people who have had horrible experiences when services have operated a gate-keeping exercise and decided that they were out of care before they were 16, so they are not getting a service. They are also told that, because they came out of care before the continuing care legislation came in, they will not get support and guidance, either. Some corporate parents have not expanded their housing allocation policy to recognise the care-experienced community as one of the groups that should have priority and be given special consideration.

There are other areas that we should think about, too. What is missing from the bill is a bit of clarity around the financial implications. If we are to expand the age band, the question is: how far back do we go? Once we put this in legislation, there will be demand from all care-experienced young people, whether they be 60 or 16 today, and local authorities and other corporate parents will have duties to them. The interesting question is whether that will be sufficiently resourced by the Scottish Government in the budget.

Bill Kidd: As I have mentioned, some view the bill as excessive state intervention that could strain the systems that have to deliver it. Is that based on the idea that there is not enough money, or not enough training?

Maree Allison: One issue is the definition of “care experience”. Let me give you a personal example: when I was growing up, a neighbour moved back down south and their child, who was sitting her exams, came to live with us for a few months while she did so, without any state oversight at all. That person could be entitled to some areas of support, so there needs to be clarification about the exact definition of “care experience”, as it appears to be quite broad at the moment.

Charlotte Wilson: I repeat what was said earlier about the context of limited resources within which the sector is operating. We know that the whole sector has been experiencing a staffing crisis; indeed, Maree Allison mentioned the drop in the number of social workers and the predicted further drop. Any proposals requiring further input from the workforce, whether we are talking about staff in residential children’s houses, social workers or social work assistants, will require more, not less, resource.

Bill Kidd: That makes a lot of sense.

John Trainer: It is really important that we consider any unintended consequences. I am not proud of this at all, but as we know, many care-experienced children continue to experience the impact of their trauma right through their adult life and therefore might have to be in touch with other services, such as mental health services or alcohol and drug recovery services. If we extend the right to aftercare, there might be a question about who has the responsibility for delivering it. Will mental health services or alcohol and drug recovery services start to say, "Actually, that's not our responsibility—it's the responsibility of children's social work services," despite the fact that they will be part of a corporate parenting group or authority that will have that responsibility?

We already have some very permissive legislation in Scotland, so I am not sure that, just because we might not be using it fully, we should replace it with additional legislation. I would like us to explore further the whole concept of aftercare, what it is that we will be delivering and how we ensure that vulnerable people who have gone through our care system get the right advice and support to improve their lives.

Bill Kidd: This is about the people who need care. Obviously, it is important that organisations such as yours can deliver that care, but, at the end of the day, this is all about the person who requires help and support.

Paul McLennan: I want to touch on advocacy services. When we met care-experienced children last night, which was an enlightening experience, a key issue that came up was advocacy services. We have received feedback that the bill relies too much on secondary legislation, but there has also been recognition that that allows flexibility for future policy development. Does the bill strike the right balance between flexibility and clarity?

What would be required in terms of mapping? That is incredibly important. The point has been made that aftercare is not just about advocacy until someone is 16 or 26; it is needed right through people's lives. In your experience of mapping, how do you commission and integrate services? You probably heard members of the previous panel say that that is a real challenge and that the approach is different in different parts of the country.

John Trainer: I thought that that was a really interesting discussion, but I did not find myself agreeing with everything that was said by the previous witnesses. As I said, I am a very proud social worker. I learned quite early on that, when I make the statement, "I genuinely believe that"—I will give an example—"John Trainer should be accommodated to deliver his best interests. John has told me that he wants to stay at home, but it is my professional view that he requires to be

accommodated," I am no longer advocating for the child. The role of advocacy is complex.

We should ensure that, when a child wishes advocacy, they are able to access an independent person of their choice to make the statement on their behalf. That person should just repeat it and tell us what the child wants and needs, and that should be explored fully. For some young people, that person might be their social worker. I gave the example of my depute, who advocates every day for the young woman I talked about. That young woman has chosen Michelle, my depute, to be her advocate. For other young people, that person might be a schoolteacher.

The formal independent advocacy role can be challenging, and not all young people take it up, but it should be an option. Many local authorities commission advocacy from two or three agencies, as far as I am aware. Who Cares? Scotland, Barnardo's and Aberlour are the three major providers of advocacy, and I would support them continuing to do that and our making that available.

I listened to a wee bit of the discussion on the question of how advocacy is commissioned. If you think about it, if I commission that service as a local authority, it can be asked to a degree whether it is wholly independent.

Paul McLennan: That was the view that we heard from the children last night.

John Trainer: You more or less asked about the quality assurance of advocacy services. When I commission such services in Renfrewshire, I take a hands-off approach, because it is up to the advocacy agency to demonstrate that young people are using it. I know that it is not working if young people choose not to use it, but many young people use it and do so regularly. That is one point.

It would, again, be a challenge to resource access to advocacy through life, after the age of 26. However, many care-experienced members of our community already have advocates through other services. I suppose that it is about how we achieve a holistic response to the individual needs of the adult, and about ensuring that the advocate, whether they are a mental health advocate or a drug and alcohol advocate, recognises that they can advocate on behalf of that adult in relation to their care experience, as well.

Paul McLennan: Does the bill rely too much on secondary legislation or is it about flexibility? Perhaps it depends very much on the case. What is your view?

John Trainer: It does rely on secondary legislation, but the question is whether we require to legislate to give people what should be a right.

People have a right to be supported in any intervention with the state or in any action whereby they feel that their own rights are not being treated fairly. There is an overreliance on secondary legislation. It probably needs some work; this is another area where, if we had had a better conversation with the bill development team, we might have come back with a better proposal.

Maree Allison: I do not have much to add, but I want to highlight the fact that a huge amount of work was done on advocacy in adult services as part of what became the Care Reform (Scotland) Act 2025. It seems to be an area in which everyone supports the principle of advocacy being available but there are questions over what exists out there at the moment and whether provision could be resourced to deliver the ambition.

Charlotte Wilson: We welcome the intention to ensure that all care-experienced people have access to independent advocacy. In our recent review of findings from our inspection programme of services for children and young people who are in need of care and protection, we found that there were gaps in advocacy provision, so we believe that there is more to do in this area. However, we need more clarity on what is meant by independent advocacy. As John Trainer said, there is a difference between independent advocacy and advocacy that is provided by a family member, a worker or a former carer.

We obviously need the resources to ensure that we have the increased provision of advocacy support, but, as part of that, we must also ensure that the advocacy providers have sufficient knowledge, skills and experience to be able to appropriately support all our children and young people. I am thinking in particular about the young people with the “quieter voices” that the Promise refers to, including young people with communication differences, for example. We must also take account of relational practice, keeping in mind that our young people might move between different local authority areas; we must think about how those relationships are maintained if young people move around Scotland.

Paul McLennan: That is an interesting point. At last night’s meeting, there were kids who had been through a couple of local authorities, and there were kids who were quieter than others. It is a very relevant point.

I want to go on to the guidance on care experience. I will come to Maree Allison, because you touched on that in a previous answer. The committee’s call for views asked about clarity in relation to guidance on care experience, and your response touched on a definition of care experience. Will you say a little bit more about that or about what you think needs to be done in that particular area?

11:30

Maree Allison: Many of the responses that the committee received raised the issue of exactly what care experience covers and noted that it is fundamental to some of the legislative responsibilities that will be placed on bodies. At the moment, it looks like the Government is heading down a route that involves a very broad definition. That might indeed be the right thing to do, but it feels like that is an area that needs more work to be done to clarify the situation in order to enable things such as the resourcing that is required to implement the various provisions to be assessed. I do not think that there is much more that I can say beyond that.

Charlotte Wilson: The development of a shared understanding of a definition would be helpful, particularly if care-experienced people can see themselves reflected in that definition. It would be beneficial to engage with the care-experienced community on that, and that reflects the position that we set out in our response to the consultation on developing a universal definition of care experience.

We recognise that the development of a definition might enable more people to receive the support that they need, and might make those pathways clearer.

Paul McLennan: John Trainer, does the lack of a definition create problems for you, on the ground?

John Trainer: I would welcome a definition. It is going to be incredibly difficult to get one that is easily understood and accessible. Again, if more thought had been given to the issue during the development of the bill, we could now be looking at a definition that we could have debated, but we are not in that position, which is a bit disappointing.

My view is probably a wee bit different from that of some of my colleagues. There is a mixed view in Social Work Scotland on this issue—for those who do not know, Social Work Scotland is the professional leadership group in local authorities and in the voluntary sector—with some people feeling that the definition should be incredibly wide and others disagreeing with that.

I think that, where the state intervenes, I feel a degree of comfort because we have statutory definitions about looked-after children. One of my local members challenges me every year about the term “looked-after children” when I talk about them in my annual report. She says that care-experienced children do not like that term, and I say that I accept that, but they are a group that I can report on, because we have a specific duty in that regard under section 17 of the Children (Scotland) Act 1995, which defines what “looked

after” means. Even within that, we have a bit of scope to include children who the local authority has placed in kinship care, although we cannot include all of those children, because, if they get a residence order, they cease to be looked after. However, at some point, we must recognise the existence of that definition.

Again, this is probably one of the most complex issues that the committee might have to think about. How do you satisfy all those young people whom you met last night? How do we satisfy those 5,000 people from the care-experienced community who spoke to Fiona Duncan and the Promise team during the development of their report, so that we get a definition that everyone can agree on? It will be difficult, but it is something that we should absolutely attempt to do. We must provide clarity, but we must do that in a way that is quite simple. That is a real challenge.

John Mason: I would like to talk about money, profits and so on. Ms Wilson, you tell us that we should learn from the Welsh experience. What should we learn?

Charlotte Wilson: The proposals in Wales are different from the proposals in Scotland, but they are further ahead in implementing them, and there are things that we could learn from how that is being done. For example, Wales took into consideration the number of providers that might leave the market as a result of the proposals being enacted, and we might want to think about how such a situation might play out in Scotland.

John Mason: Has that started happening in Wales?

Charlotte Wilson: My understanding is that the legislation comes into effect next year.

John Mason: So it is still too early to tell, even in Wales.

Charlotte Wilson: At this point, yes, but Wales is further ahead with the development.

John Mason: Am I right in saying that Wales is a little less strict than us with regard to fostering agencies, which we say must be charities, and a bit more strict with regard to residential care?

Charlotte Wilson: Broadly speaking, yes, and the situation in England is different again, so there are three variations across the country.

I think that the definition of profit that Wales is using might be helpful, too, because we need to be really clear about the difference between profit and profiteering. Profit in itself is not necessarily bad if it is used to ensure that young people have good-quality experiences and outcomes, or if it is used for staff remuneration, staff training or the provision of high-quality environments, for example. However, it would be a concern if profit

was not being used for those purposes. At the moment, our focus is on children’s experiences and outcomes, so if children were having poor experiences—for example, if their health and wellbeing needs were not being met, if there was no food in the house or if it was a really poor environment—because of a lack of finances, we would take action. Our taking action would be directly related to children’s experiences and outcomes.

John Mason: I have asked other people this question, but they have not been able to answer it; I do not know whether you will be able to. Is it possible to draw a broad line and say that people in private sector residential care get poorer care and people in the public sector or the voluntary sector get better care?

Charlotte Wilson: You will be aware that we grade services and we publish those grades. Broadly speaking, the voluntary sector is performing slightly better than the private sector and, in turn, the private sector is performing slightly better than the public sector. However, that said, the gap has been closing over the past few years, so, at the moment, there is not a huge difference.

John Mason: That raises a load more questions for me, but I will not go down that route at this point.

What do the other two witnesses think about the issue of profit and profiteering? I do not know whether you heard the evidence from the previous panel, but the point was made that, even if a profit is not made, if a lot of the money goes to the management and the people at the top and less money goes to the people at the bottom, that might be a misuse of resources. To what extent do we as the public sector—whether that is the state, councils or whoever—need to get involved in the issue of profit, finances and how the money is used?

Maree Allison: We did not respond on that issue specifically, given that it does not really fit within our role, other than to highlight the concerns that other people have expressed about the potential impact if the bill becomes law, whereby services might close.

We can see from our data that there are higher turnover levels in private providers than there are in other providers. As is the case with what the Care Inspectorate can see, we can see differences in the impact on the workforce, depending on provider levels.

John Mason: To clarify, does that mean that the turnover of staff is greater in the private sector?

Maree Allison: Yes.

John Trainer: I take you back to what Charlotte Wilson said. Over time, Charlotte and I have had some testy conversations about the inspection of children's houses. I always welcome those conversations, because the identification of how good our services are is very important. Ultimately, the provider of care should provide the best care possible for our children and young people, because children who end up in residential care are often our most vulnerable children.

The difference that Charlotte and I have had discussions about is that the providers in the independent sector—I include the not-for-profit and the for-profit providers—can say no to a child. As someone acting on behalf of a local authority, I cannot say no, and that can often present me with significant challenges in relation to how I can provide a safe care package for the young person in question in one of our houses and what impact that will have on the other young people. An independent provider, on the other hand, can simply say, "We're not accommodating that child, John."

John Mason: So the needs of the kids in the public sector are greater.

John Trainer: They are different. They are not always greater, because our voluntary sector and the independent sector meet the needs of some very complex children, but they are able to better match children.

When it comes to profit, there is a real challenge. I think that, ultimately, what we need is financial transparency that tells us what the costs of care are. The costs vary greatly across all the providers. I am particularly keen on ensuring that as much as possible of the public pound that is spent on the care of the child goes to the child. That is a challenge across all of our providers. I am putting that out there. Local authorities might say to me, "John, keep that under your hat." Are we transparent about the costs of our children's houses? We need to be open about that as well. My COSLA colleagues will probably be screaming in the background when I say that, but it is true, because financial transparency is important.

John Mason: One assumption would probably be that the lower-paid workers in the public sector are better paid than the lower-paid workers in the private sector. As far as I see it, that is money going to the children, because those are the people who are working with them.

John Trainer: That can vary. We do not yet have the data that tells us about that, which is why transparency is important. When I sit down with my team, I occasionally put together a wee spreadsheet for them that shows how much Renfrewshire Council pays for our residential children's workers, and how much Glasgow City

Council and Inverclyde Council pay. I generally do that for provision across NHS Greater Glasgow and Clyde, because those are my neighbouring authorities, but I also look at providers such as Kibble and other independent providers in our area.

The rates vary, so I am interested in what we get, as a good salary, for people who are working with those who have very complex needs and often real trauma. Those residential care workers carry that trauma back home when they finish their shift, so we should be rewarding them with a good salary. That includes, in my service, the people who do the cooking and the cleaning, as they are part of the team. They do not earn the same amount of money as the residential childcare workers, but they should be rewarded at a reasonable level.

We do not currently know how many providers are not-for-profit residential care providers—for example, Kibble, Aberlour and Action for Children—and how many are independent providers in the for-profit sector. Charlotte Wilson's organisation probably has the data, but we have not asked for it yet; we probably need to do that so we can see what the balance is. That will then allow us to understand whether, if we make a change in legislation that looks at limiting profit, we are going to create a disruption in the market. I do not know whether that would be the case.

In Renfrewshire, there are 22 children's houses that are not operated by the local authority. They are operated either by an independent provider that is a charity or by an independent provider in the for-profit world.

John Mason: For comparison, how many are run by the council?

John Trainer: Renfrewshire Council has four children's houses, and we have accommodation for 22 children in our area. The independent sector has accommodation for around 200 children in our area, so we need to understand the balance. Again, we have not done as much of a deep dive into the data in preparation as we could have done, because we never asked for that information from the Care Inspectorate to enable us to see what market disruption would look like.

John Mason: It strikes me that we could set up a whole pile of bureaucrats and accountants who could study that, and all the rest of it. When it comes to capital expenditure—I have not asked about that; I do not think that I will—the local authority picture is often very different.

I move on to the fact that, under the bill, we are going to deal with residential provision in a different way from foster agency provision. The former will be not-for-profit provision; for the latter, the bill insists on the provider being a charity.

Some of you raised that in your submissions, with regard to why that is the case. Are you all comfortable with that difference, or do you think that there should be no difference? Ms Wilson, you can start.

Charlotte Wilson: Fostering providers are already required to be not for profit, which I assume is the reason for the difference in approach in the bill, although I cannot say for certain that that is the case. It is important that, whichever approach we decide to go with across residential childcare and fostering, whether that involves the same system or two different systems, we think through both the unintended consequences and any potential loopholes. For example, a provider being able to set up in England and operate from Scotland would potentially allow it to siphon off the surplus that is perhaps not classed as profit but might still be in practice.

That is probably the focus. For us, as I said, the important thing is children's experiences and outcomes; it is not about how much money is being made but about what that money is being used for.

John Mason: Does either of the other two witnesses want to say anything on that point?

Maree Allison: We do not have a view on that.

John Trainer: I agree with Charlotte Wilson. For me, preserving our approach to foster care is really important. We need to establish a process whereby we ensure that the for-profit sector—which requires to make a profit for a variety of reasons; I am not opposed to that entirely—is making a reasonable profit, and not profit at a level that creates an imbalance or challenges across borders.

John Mason: While we are talking about the subject, I have another question on fostering. Do you struggle to get foster parents and families?

11:45

John Trainer: We do not have enough foster carers across Scotland—that is absolutely clear. The committee and the Parliament probably know that.

Earlier in the year, we ran a national campaign in partnership with the Scottish Government, but the response was not particularly great. I do not have the exact numbers, but many local authority areas had no inquiries.

Asking an individual to consider becoming a foster carer is an incredible ask. You are asking them to look after some of Scotland's most vulnerable children, and they are not always sure who they will receive as a child in their care. To

become a foster carer, they have to go through a comprehensive assessment. Of course, that is quite right, because we need to make sure that carers can meet the children's needs and that they do not present difficulties. Volunteering to start the process is quite a jump, and we need to do more.

It would be our preference and, from a social work perspective, my preference to support a child to live with their birth parent when it is possible, when it is safe to do so and when it meets the child's needs. That is the first part of our statutory duty. If the child cannot remain with their birth parent or parents, we should look at kin and ensure that the family has an opportunity to come around and support the child.

My preference is then that we give the child an opportunity to live in a family, so we look at foster care. However, some children tell us that, if they cannot stay with their mum, dad or granny, they do not want to be with another family; they want to be in residential care. We need to have that range of provision.

John Mason: Fair enough.

John Trainer: If I could make an appeal to the committee today, it would be to ask you please to encourage people in your areas to consider becoming foster carers. It is a really important role, and we need more of them.

John Mason: Good advert—thank you. I will back that up.

My final point is about the financial memorandum as a whole. You have been asked specifically about advocacy and other things. The three big areas that are covered in the financial memorandum are extending aftercare, the advocacy service and paying the chairs of the hearings, which I am not touching on—we will assume that that figure is fairly fixed.

The committee will have to write a report. What will we say in that report? Will we say that the costs in the financial memorandum are definitely too low and should be double or three times as much, or should we just say that we do not know what the costs of all this will be?

Charlotte Wilson: As an organisation, we need more clarity to be able to understand whether the financial memorandum is accurate. Obviously, we cannot speak for other organisations.

John Mason: So you are not saying that it is horribly inaccurate, but that you really do not know.

Charlotte Wilson: A lot of clarity is required about what our role might be under some of the proposals. In relation to the foster care proposals, asking fostering agencies to re-register will have resource implications for us. Any role for us in the

financial transparency or profit limitation of residential childcare would also have resource implications for us. We might be required to revise our methodology, recruit additional inspectors or provide inspectors with additional training.

John Mason: We are not talking megabucks, are we?

Charlotte Wilson: It depends on what would be required of us. Whatever is required, there will be resource implications for our organisation, or we will have to stop doing other work, because we have only a certain number of people and we cannot necessarily do everything.

John Mason: Ms Allison, do you have any views on this point?

Maree Allison: No, not on the areas that you have highlighted, but if consideration is being given to involving the SSSC in the registration of foster carers, that part of the financial memorandum does not necessarily reflect what we think it would cost.

John Mason: That would be quite a big challenge. Mr Trainer, would you like to finish?

John Trainer: I agree with the earlier witnesses that it is difficult to give an exact figure. I am sitting here wishing that I had done a wee bit more work, but one of the things that I thought about was that, every year, we produce the Scottish looked-after children statistics and report them to a range of bodies. I hope that they come to Parliament in some shape. It is a Scottish Government document that is based on a census that is taken on 31 July every year of children who are in formal looked-after situations under the definition in section 17 of 1995 act.

The numbers have decreased over a number of years. Ten years ago, they were probably sitting in the high teens—it could have been 19,000, perhaps even 20,000, children in Scotland who were being looked after. This year, I think that we are down to just over 12,000—I cannot recall the exact figure. That might give you a bit of a idea of the potential number of people going through the care system—

John Mason: —given that we do not have a definition of “care experience”.

John Trainer: Indeed, but those are the looked-after children, for whom we already have a definition. So, that is potentially the number, but every year children go in and out of the system; they become care experienced and then leave care for various reasons.

John Mason: We do not know how much each one is going to cost, do we?

John Trainer: We do not know how much it will cost. That is the problem that we have in Social Work Scotland.

John Mason: So perhaps it is impossible to have a financial memorandum.

John Trainer: My view is that it could be better guessed and better estimated.

John Mason: Well, that is a good line to finish on.

The Convener: I call Jackie Dunbar.

Jackie Dunbar: Good morning. I would like to discuss the views on the proposal for single-member panels for children’s hearings. We have had mixed responses to that in our call for views, with some folk saying that it is a good idea and others saying that more clarity is needed on the decision-making powers for such panels. Indeed, Social Work Scotland said in its submission:

“There is general anxiety across ... members about the proposed single person panels”.

Mr Trainer, can you go into more detail on your views? What we can do about the issue?

John Trainer: The issue of single-member panels is incredibly challenging, and it is difficult to give unqualified support to it. The concept of the children’s hearings system is that the community owns the challenges for children and finds solutions with families. If we have single-member panels, it will mean a single member being charged with making an incredibly powerful decision about intrusion into a child’s life. Will they be able to demonstrate a full understanding of the situation? They will have a discussion with the family, the young person and the social worker, but they might not think of all the questions that need to be asked. I have to say that I have always found the three-member-panel approach to be incredibly respectful of social workers—with, of course, some challenges, because they have to balance the child’s rights with the information coming from social work. However, they start from the position of using three brains together to get the best decision.

That is why we have mixed views on the proposal. I suppose that, if I were a young person going through the hearings system, I might, on occasion, prefer one individual to be making the decision.

Jackie Dunbar: What about having such a panel on a procedural basis at the very beginning?

John Trainer: Even then I think that there are some challenges.

Jackie Dunbar: Thank you. Do you have any views, Ms Allison?

Maree Allison: We did not make a specific response on this issue, but having heard what Mr Trainer just said, I suppose that we had similar thoughts about our fitness to practise panels, which comprise three members. We brought in an approach that involved a legally qualified chair; we did not move to having a single-member decision maker for the reasons that have just been highlighted, but we do allow the legally qualified chairs to make procedural decisions earlier on. I would just observe that we probably have some learning that might be helpful for the children's hearings system.

Jackie Dunbar: Ms Wilson?

Charlotte Wilson: We believe that the introduction of one-member panels has the potential to be a useful addition and might expedite decision making, but that the focus should be on the skills and knowledge of panel members and ensuring that they have a trauma-informed, child-centred approach.

Jackie Dunbar: So, is that a soft "maybe", depending on each case? I am seeing nods from across the panel. Is the view that it depends on the individual child one that you all share?

John Trainer: It was really interesting to hear Maree Allison indicate that the SSSC might already have a model worthy of exploration, and I think that we should certainly look at it and see whether we can learn from something that is already in the system to better inform the rest of the system.

Jackie Dunbar: Thank you.

The Convener: I call Willie Rennie.

Willie Rennie: Mr Trainer, your organisation has been quite critical of the current "confrontational and not child centred"

approach of the children's hearings system. Sheriff Mackie has said something similar and has indicated that he would like to see a change of culture. Do you think that that is enough? If not, what more needs to be done?

John Trainer: It is an interesting point, because, as I said, children's hearings panels are generally respectful. Every year, we have lots of hearings that are very respectful, but we also have high numbers of them and, increasingly, we get reports from our front-line social workers that they can be very difficult experiences. The challenges generally come from families who are distressed because we are interfering in their lives in a way that they are uncomfortable with. I do not think that they deliberately set out to make threats towards staff—whether they be health visitors, teachers or social workers—but they are distressed. Sometimes, staff feel that they are not protected in

that environment by the chair of the children's hearing or the children's reporter. That is one of the challenges.

We need to consider how we can try to avoid conflict. We could present the grounds for referral in a different way. It would be an improvement if some things were done at a procedural hearing at which the child was not present. Parents whose child was removed from them at birth under a child protection order might come into the room, or, if the child is under the age of five, there might have been a child protection order in the community. Such things are incredibly difficult to experience. Parents are then asked whether they accept the grounds, which are listed in a particular way. I think that any parent would respond to that in a distressed manner, and distressed behaviour sometimes manifests in aggression or anger towards professionals.

We need to deal with the procedural aspects in a different way at an earlier stage. We will then have an opportunity to create a forum in which there is open dialogue and problem solving for the child, which was the whole principle of the children's hearings system. Unfortunately, I do not have the solution—I wish that I did—but we definitely need to address that issue.

Willie Rennie: For clarity, do you agree with Sheriff Mackie?

John Trainer: I endorse Sheriff Mackie's views. He undertook an in-depth discussion and considered a range of proposals for children's hearings, which, in general, I support.

Willie Rennie: Does anybody else want to come in on this issue?

Maree Allison: We do not have a specific comment on that, but, in relation to our fitness to practise panels, one of the reasons why we introduced legally qualified chairs, who are paid more than other panel members, was to address the issue that Sheriff Mackie included in his evidence about the chair of a panel having certain skills to address some of the consequences that have been described. There might be learning in that regard.

Willie Rennie: My second question was going to be about grounds for referral, but you have given more detail on that. Do you wish to add anything on the grounds issue?

John Trainer: The issue with grounds for referral is that we write legislation in a very formal way, which, unfortunately, does not fit with what things are like in the community. There is a process for asking whether someone accepts the grounds for referral, and there are other processes to go through. We certainly need to understand the risks and dangers that our children face that

result in their appearing in front of a children's hearing, but we could do more work in considering whether the grounds are still relevant or whether there are softer ways of doing things. That is not to say that we should hide the risks, dangers and challenges from the child, but we should think about what it feels like to be sat in a children's panel room and asked whether you accept the grounds for referral. As a social worker, I have spoken to young people for more than 35 years, and they tell me that they find that incredibly hard. They often feel blamed, so they want a different solution.

Again, I do not have a solution—I wish that I did, because I would write it up, probably sell it to Sheriff Mackie and produce a much better approach. However, we need to do more work on what grounds for referral look like and how they are presented to children and their families.

Willie Rennie: My final question, which is a more general one, follows on from the convener's questions at the beginning of the session. Do you feel good about the progress that has been made on the Promise?

John Trainer: Do I feel good about the progress that has been made on the Promise? I am very proud of a lot of the work that we have done. We have not always been able to tell what has been achieved to date, but there is a lot of good local work in every local authority and by every agency. For example, the Care Inspectorate has done a lot of good work in relation to the voice of the child and the involvement of young inspectors in our thematic inspections and our children at risk of harm inspections. That process is incredibly inclusive, which is very valuable.

Almost every local authority in Scotland will have a Promise advisory board or a group of champions. We have a range and mixture of those groups, and I think that we are much more flexible on the ground than perhaps legislation tries to make us be.

12:00

I will give another example. On Tuesday, I went into the office and found an eye mask and a black envelope with gold writing. I opened it, and it was an invitation from a group called the breakthrough group, which is one of our groups for children who have been in foster care; we have a couple of groups like that. The group is celebrating its 10th anniversary in November and it has organised a black-tie event, so we have all been given a mask to wear to the event. The group is clear that it has seen real progress over those 10 years, but we are still not where we should be.

It is not clear to me that legislation is always required to deliver on the ambitions that the

children who met with Fiona Duncan through the initial care inquiry needed to be delivered. Resourcing is a big issue.

Willie Rennie: Do you think that the Government is getting in the way, then?

John Trainer: No, I would not accept that. I actually think that the Government is committed to the care-experienced community in Scotland—I really do. I think that it is trying to navigate a parliamentary process that—with all due respect—can be bureaucratic, and which has to set in place laws that stand. The reality in the community, however, is that services flex and work together every single day to deliver better outcomes for children. I think that the inspections for children at risk of harm, for example, show where real progress has been made.

When we look at the reducing number of formally looked-after children in Scotland through the looked-after children statistics, we see that we are empowering families to care for their children. However, I am incredibly disappointed when I look, for example, at the qualifications that our care-experienced community get in school, and at how many of our adults who are involved with alcohol and drugs come from the care-experienced community. I am concerned at how many of our care-experienced community are in prison or in conflict with the law at some point. We have not done enough. I do not think that the Government is standing in our way as a barrier, but we could do better if we all worked to get the solutions that we require.

Maree Allison: We are pleased that we have made progress in areas in which we have specific responsibilities, as highlighted in "The Promise". It is similar to what others have said. It is really good to hear about some of the things that have been embedded in our organisation as a result of the Promise being spoken about and coming through in the work that we do. However, we have seen challenges, as highlighted in the Audit Scotland report, around delivering on the whole ambition of the Promise, and we have a big concern around the workforce and resourcing for that.

Charlotte Wilson: My answer would be yes, I am proud. I think that, as an organisation, we have made a lot of progress towards keeping the Promise, to which we are really committed. As I said earlier, we see a sector that is committed to keeping the Promise, and that is reflected in the way that the grades across the sector have been coming up over the past year or so.

There is definitely still a lot more work to do, but we always knew that it was going to take time. We are looking for significant changes in a very complicated landscape that is experiencing resource limitations, and that was never going to

be easy, but I think that progress so far has been good.

Pam Duncan-Glancy: Thank you for the information that you gave us in advance, which has been referenced a few times, and for the answers that you have given so far.

I will start with Social Work Scotland's submission in response to our call for views, which said that its members had

"almost universally struggled to understand what difference the inclusion of IJB's as core duty holders"

in children's services planning

"will make."

I go to John Trainer first. Will you tell us a bit more about that? Will you reflect on some of the questions that I put to other witnesses earlier this morning about the need for joined-up provision for children and young people? You have highlighted a lot of concerns to do with prisons, housing and so on. Will you tell us why the IJB solution is not necessarily a helpful one?

John Trainer: That is an interesting issue, and it is one on which I might be critical of Parliament. Parliament has legislated that we require a number of plans at different stages, but there are times when those plans do not exist comfortably with one another. One of the fundamental processes that Parliament agreed a number of years ago was the community planning partnership being central to the delivery of all our services. We have bolted on top of that the need to deliver a children's services plan, a community justice plan, an IJB strategic plan and a local authority council plan. In addition, all those plans have to try to relate to corporate parenting—we talked about that earlier. The bill adds to the clutter.

We as a professional body and our members have concerns about IJBs specifically. The IJB is part of two bodies—it comes from the national health service board and the local authority, which are the two primary partners in the children's services plan, alongside other partners such as Police Scotland, the Care Inspectorate, the Scottish Children's Reporter Administration and Children's Hearings Scotland. When it works well, those planning partnerships come in and take the other body, the IJB, which is almost a delegated body of the health board and the local authority, with them. However, including IJBs brings confusion, not clarity.

Somebody mentioned the National Care Service (Scotland) Bill. It is almost a hangover from that. They needed somewhere to put the IJBs in as key partners. That is not to say that IJBs do not contribute to children's services planning partnerships. In a number of local authority areas,

children's social work and many of the care services are located in the IJB division. They have been delegated there, so they will be part of that.

In my area, children's social work is not delegated to the IJB, but it is a key partner in the strategic planning partnership. If we introduce a legislative basis that says that IJBs must be a key partner, you would put in another block. At the moment, we need to report our plan to the local authority, to the health board and then to the Scottish Government. Under the bill, there would be an earlier part of the process, with the report needing to go to the IJB before going to the health board and the council.

What happens if the IJB's approach to how services should be delivered is very different to that of the health board and of the Scottish Government? The proposal opens up a process that becomes a bit unmanageable and does not necessarily deliver benefits and improved outcomes for children and young people.

Pam Duncan-Glancy: If they had different approaches, would it not be highlighted that the IJB was part of the process?

John Trainer: It absolutely would, but that would be caught by the current planning processes. In almost every local authority area, professional staff from the IJB will attend planning sessions of the children's services planning partnerships. They will bring in the data from their strategic plans. I feel that there is a confusion about where authority for decision making sits.

Pam Duncan-Glancy: What would you do differently to enable a system that plans more coherently and works in a more joined-up way for children and young people?

John Trainer: Many years ago, I heard a quote—I am not sure where it came from or who said it—that there should be a "bonfire of the quangos". Actually, we should have a bonfire of plans. We should revisit whether those plans are required. We should go back to asking what good community planning looks like and ensure that that covers all the groups in our community that absolutely need to be considered.

Children will always have a special place for local authorities and health services, so we should concentrate on making sure that there is one plan. If you think back to many years ago, we talked about "one plan for a child". How about one plan for Scotland's children through their local authority and health board?

Pam Duncan-Glancy: Finally on this line of questioning, the Audit Scotland report that was published this morning says that

"there is no formal mechanism for CSPPs to be held accountable specifically for delivering The Promise."

In your reimagined future, how would you hold them accountable?

John Trainer: It is very difficult. Although every local authority and health board is required to produce a children's services plan, I am not sure what the sanction is if that is not produced, so how do you ensure delivery of those plans?

The review of plans is very different across Scotland, so every area will choose its own approach and, indeed, should have the right to produce its own plan. I have not read that particular section of the Audit Scotland report—as I said earlier, I scanned it—but I would like to see its evidence. I assure the committee that when we submit our children's services plan—new plans will be going into the Scottish Government in March and April 2026—Scottish Government officials will review every plan and give feedback. If the Promise is not mentioned in those reports, I can guarantee you that that will be in the local authority feedback.

Pam Duncan-Glancy: Thank you. That is appreciated. Charlotte Wilson, what is your view, as the scrutiny body, on the issue?

Charlotte Wilson: If the changes lead to a more joined-up approach to delivering support for children experiencing care and for their families and carers, they might have a positive impact, but we know from our inspection evidence that, regardless of structure, the picture is mixed. We also know that leadership and engagement are important here. For example, we might carry out a strategic inspection in a fully integrated area and see some good outcomes and other areas that would benefit from improvement, and we might go into another area where children's services are not integrated with health and social care and see some very good outcomes, too. It varies across the board—there is no clear pattern.

Pam Duncan-Glancy: Would it be fair to say, then, that you are structurally agnostic?

Charlotte Wilson: Yes, that would be a fair summary.

Pam Duncan-Glancy: In that case, how would you answer my earlier question to John Trainer? Where things are not working, what is the solution?

Charlotte Wilson: What we see making a difference are those bits about leadership and engagement. That is where we see the potential for change.

Pam Duncan-Glancy: Audit Scotland also talks in its report about the Care Inspectorate and its scrutiny work, and it picks up on what scrutiny bodies such as the inspectorate do. It says—I will read from the report to ensure that I get the quote exactly right—

“the Care Inspectorate has a well-developed work programme to support The Promise, relative to others, such as the Scottish Housing Regulator, whose work is compliance based.”

Is there any need or scope for other regulators to have further duties or to play a further role in delivering the Promise?

Charlotte Wilson: In relation to regulation, the main thing that “The Promise” was calling for was a more joined-up approach, and it referred to the need for holistic frameworks. What that means in practice is, I think, people experiencing a more joined-up approach, and feeling that our approaches to regulation are better co-ordinated. As an organisation, we have undertaken a lot of work with organisations such as the SSSC and Education Scotland as well as other regulators to take steps in that direction. There is still more work to do in that area, but, as I have said, progress was always going to be incremental. I am not sure that one holistic framework across regulators would be of benefit—obviously, we play different roles—but I think that a joined-up approach would be.

Pam Duncan-Glancy: Do you regularly evaluate yourselves and how that joined-up approach is working?

Charlotte Wilson: Absolutely. As you will be aware, we have a clear plan towards keeping the Promise as an organisation, and have a number of key workstreams underneath that. The reports on progress go to our senior management team.

Pam Duncan-Glancy: Do you work with other regulators on that?

Charlotte Wilson: In relation to the relevant workstreams, yes.

Pam Duncan-Glancy: Okay—thank you. Do you have anything to add, Maree Allison?

Maree Allison: No, I do not think so.

Pam Duncan-Glancy: Thank you.

The Convener: I call Miles Briggs.

Miles Briggs: I wanted to ask about the register of foster carers. I know that Maree Allison mentioned it earlier, but I note that, in its response to the committee, Social Work Scotland has said that the register has the potential to create additional tasks for agencies and local authorities, while the Care Inspectorate and others have highlighted the need to ensure that the register does not exacerbate the decline in the numbers of foster carers, which is a point that John Trainer has touched on, too.

What assurances would you seek on how such a register would work in practice? The young people whom we spoke to last night made quite interesting points about what they saw it doing,

such as tracking people moving across local authorities and ensuring that training was documented. In fact, all of the young people whom I spoke to said that it would provide an opportunity to highlight good practice and to celebrate foster carers themselves. What are your views on that and how the Government might improve the proposals? Perhaps Maree Allison can answer that first.

12:15

Maree Allison: We have a specific interest in that, because a number of organisations, in response to the earlier consultation on foster care, had suggested the SSSC as a body that could run a register. In some ways, we have infrastructure for and experience in running national registers and have pre-existing links with local authorities.

There is a fundamental question about the purpose of such a register if the SSSC were tasked with the role. We register groups of professionals, and we require them to comply with consistent national standards, to be qualified and to undertake continuous professional learning. However, we also make independent decisions on their suitability to practice and look at any concerns about their ability to practice while they are on the register, and there were differing views among foster carers on that concept of forming a professional identity and being a professionally regulated workforce. We have had strong representations from, for example, the Independent Workers Union of Great Britain, because some foster carers with that union very much want SSSC registration and want to be viewed as a professional workforce. The benefits that come with that such as consistent qualifications and learning, and, indeed, independent decisions on suitability, are things that they very much want.

Obviously, that provision is not in the bill at the moment. If it were to go down that route, a lot more work would need to be done to consider the proposal. However, the first question is, what is such a register trying to achieve?

John Trainer: I agree with Maree. I struggle to understand what the purpose of a register is, and if I, as someone who works in the system every day, struggle to understand it, that raises concerns and flags for me.

There are, as you mentioned when you talked about what young people were saying, potential concerns from Government about foster carers moving across local authority areas. I have talked about how incredibly challenging it is to be approved as a foster carer. We have a national shortage, but there are standards to apply in preparation and consideration, safeguarding

checks to be undertaken and references to be checked. If a foster carer approved by Renfrewshire is deregistered and moves to another local authority area or an independent fostering agency, that agency would say, "This person lives in Renfrewshire. Does Renfrewshire Council social work service have any information about the individual that would support or negate their ability to continue as a foster carer?" We already have in place a number of safeguards.

Miles Briggs: That is just in one local authority, though.

John Trainer: There are also Disclosure Scotland checks, police and other references and so on. You would have all those things for every person who asks, irrespective of where they come from. In my area, we recruit foster carers either from Renfrewshire itself or from neighbouring areas up to a boundary of about 25 miles, because we recognise that some of our outlying areas—the village lying in the next local authority area, for example—are much more of a neighbour than Paisley-centric areas.

As part of the process, every local authority and independent provider of foster care in Scotland will ask questions about those who live at the home address of a potential foster carer. They will ask, do you know this person? Are there concerns? Disclosure Scotland checks will be sought, and there will be checks to see whether there are any risks or dangers. The local authority checks will look at alcohol, drugs and child protection issues—all those types of things—and then you will also have the references. There is a really high level of scrutiny.

I do not think a national register will add to that. For me, it does not give any additional protections, so I remain a bit confused about its full purpose. Again, it is one of those bits of the bill where, if we had had a different dialogue with Government, we might have understood it better.

Miles Briggs: That was very helpful. Thank you.

The Convener: That concludes our deliberations on the bill for today. I thank the witnesses for their time, their answers to our questions and their evidence. It is very much appreciated.

That concludes the public part of our proceedings, and we will now move into private to consider our final agenda item.

12:19

Meeting continued in private until 12:35.

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