

**Plan 21 - 24**

**Is Scotland Keeping The Promise?**

**A Who Cares? Scotland Research Report**

**February 2024**





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## Foreword from Louise Hunter



This is a critical time for the Care Experienced community.

It has been seven years since the [former First Minister, Nicola Sturgeon, announced a 'root and branch review' of the care system in Scotland](#). The conclusion of that review, [The Promise](#), was published 1,461 days ago, which is four years to the day (05/02/2024).

The Promise Oversight Board is the body tasked with holding Scotland to account on progress to keep The Promise. In June 2023 the Oversight Board said that Plan 21 - 24, the first in a series of plans designed to set out what needs to happen to keep The Promise, is unlikely to be kept.

“Due to the worsening circumstances for so many and the current pace of change, The Promise Oversight Board does not believe that delivering the original aims of Plan 21 - 24 is realistic by next year.”

### Oversight Board Report Two, page 4

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As part of its [report](#), The Promise Oversight Board cited a problem with the availability of data. A problem that had been highlighted as part of its first report, a year prior, and indeed highlighted as a key concern four years ago through The Promise. We believe that nearly halfway through the strategy, it is important to gather as much data as possible to best assess Scotland's progress. This is why we have requested information from local authorities to create this report.

Scotland must keep The Promise and that includes fully understanding the progress and the challenges which lie ahead. This can only be fully achieved by listening to Care Experienced people's day to day experiences to understand what is improving in people's lives and what is not. Our [strategic plan](#) sets out our vision for how Care Experienced people should be involved in shaping the Scotland they live in.

As the national independent membership organisation and largest independent advocacy provider for Care Experienced people, we are in a unique position to use our data and evidence as a form of collective advocacy.



## Foreword

To strengthen what we hear from our advocacy workers and National Advocacy Helpline every day, we have gathered information via Freedom of Information (FOI) requests. This report therefore reflects the experiences of around 1,600 Care Experienced people whom we support with rights issues annually and information gathered from all 32 local authorities.

We will not be sharing the data behind these freedom of information requests within this report or indeed the detailed advocacy data for all cases. The aim of this report is not to highlight particular local authorities' strengths and weaknesses, but to spotlight which areas of Plan 21 - 24 are showing clear progress and where more attention is required.

The evidence tells us that there is encouraging progress being made in a number of areas, including the rights of brothers and sisters, work to re-shape the youth justice system and in challenging stigma within the system. However, our research has shown that Scotland is not on track to address other priority areas such as the monetisation of care, education and restraint.

We want to ensure that Care Experienced people are involved in the design of future activities. That they have their views and experiences heard in accountability processes, in a way that they haven't been over the past four years. The year ahead brings challenge and opportunity. Plan 24 - 30 is set to launch this summer and the time between the launch of our report, and this next plan, brings ample time for those involved to meaningfully involve members of the Care Experienced community.

Care Experienced people are vital to ensuring that Scotland knows if The Promise is being kept. Their participation must be supported, at scale and in a considered way, to ensure that the voice of a diverse group of Care Experienced adults and children in care who Scotland is delivering The Promise for today is heard.

This report is the first in a series. Over the course of 2024, we will be issuing five reports across thematic areas utilising advocacy data, information from policy aligned participation with Care Experienced people and third-party research.



## The 'Why?' Behind This Report

In producing this report our intentions are to highlight what work has already been done across Scotland to implement the principles of The Promise and the recommendations of Plan 21 - 24. Whilst many of these stories of positive progress are already in the public domain, our aim is to highlight the data behind these, where we have access to it, and the work still to be done.

To make this report as easy as possible to cross reference with resources provided by The Promise Scotland, we have split our research into the main themes from Plan 21 - 24. These are:

- **A Good Childhood**
- **Whole Family Support**
- **Planning**
- **Supporting the Workforce**
- **Building Capacity**

Each of these five sections focuses on recommendations within The Promise and Plan 21 - 24. The data map is large, so we have sourced data and evidence on key recommendations that were set out in Plan 21 - 24. Equally, we haven't researched every area due to resource limitations. However, we believe this goes some way to bridging the data gap identified by [The Promise Oversight Board Report Two](#).

Our hope is that local authorities, The Scottish Government, and all public bodies across Scotland can use this research as a way of measuring where Scotland is in the journey to keep The Promise.



# 1 - A Good Childhood

Within this report, we've explored some of the principles set out in The Promise and Plan 21 - 24 for the priority area 'A Good Childhood'. Specifically, we have researched information relating to brother and sister separation, school exclusions, school days lost, the use of restraint and access to independent advocacy.

“Scotland should be a good parent to the children it has responsibility for. That means carers and workers must act, speak and behave like a family so that Scotland can be the best parent it can be. Scotland must stop stigmatising the children it cares for.”

**The Promise, page 87**

## Brothers and Sisters

Entering the care system can be a daunting and frightening time for children and young people. This can sometimes be compounded by the state separating them from their brothers and sisters.

“Scotland already has a presumption that children will stay together with their brothers and sisters. That presumption must be fully implemented and closely monitored.”

**The Promise, page 62**

“Relationships between brothers and sisters will be cherished and protected”.

**Plan 21 - 24, page 23**

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In 2017, research from the Scottish Children's Reporter Administration stated that **“Around 70% of children in adoptive or permanent fostering families in Scotland are separated from at least one of their birth siblings.”**



# 1 - A Good Childhood

## Brothers and Sisters

### Good News

In a real positive win for the work of The Promise, we have seen the number of brothers and sisters separated reduce. In November 2023, at an evidence session of the Education, Children and Young People committee of the Scottish Parliament, Fraser McKinlay, CEO of The Promise Scotland, shared: **“I think it’s about 25% of sibling groups that are still separated.”**

### Our Advocacy Data

Requests made by Care Experienced people to our advocacy service relating to maintaining relationships with brothers and sisters **has increased by 108% from 196 individual advocacy cases in 2020 to 407 in 2023**. This could be due to several factors such as the introduction of new legislation or becoming more aware of their rights. Therefore, it isn’t an indicator that this practice has changed negatively or positively.

Through our research, 14 local authorities told us that since the publication of The Promise, **97 groups of brothers and sisters have been separated for reasons other than safety**.

### Lack of Data

Alarmingly, **seven local authorities** responded to say they do not record whether brothers and sisters are separated.

### Our Conclusion

It is imperative that if Scotland is to uphold the principles of The Promise that all local authorities are supported to measure key indicators. Progress is being made in the right direction but to be able to fully measure it, Scotland must know what is happening in every region.



# 1 - A Good Childhood

## Education

### School Exclusions

When children are temporarily removed from education this can be known as an exclusion. This is sometimes done through a formal process.

In researching The Promise principles on exclusion, we asked: **“Does your local authority either formally or informally exclude Care Experienced children from education?”**

Our research found that **23 local authorities said that they continued to formally and informally exclude Care Experienced pupils** from school. However, we have heard anecdotally about informal exclusions, where Care Experienced pupils could be excluded from education or reduced to a timetable of as little as one hour a week and it is not recorded as an exclusion.

“The formal and informal exclusion of Care Experienced children from school must end.”

**The Promise Report, page 72**

“Care Experienced children and young people will receive all they need to thrive at school. There will be no barriers to their engagement with education and schools will know and cherish their Care Experienced pupils.”

**Plan 21 - 24, page 22**

### **Good News**

Whilst there is still lots to do in this area, **one local authority told us that they have ended the practice** of formally or informally excluding Care Experienced pupils from school. On top of this, **two local authorities told us they have set a date to end this practice** and another said they would do it in line with Plan 21 - 24.



## 1 - A Good Childhood - Education - School Exclusions

### Lack of Data

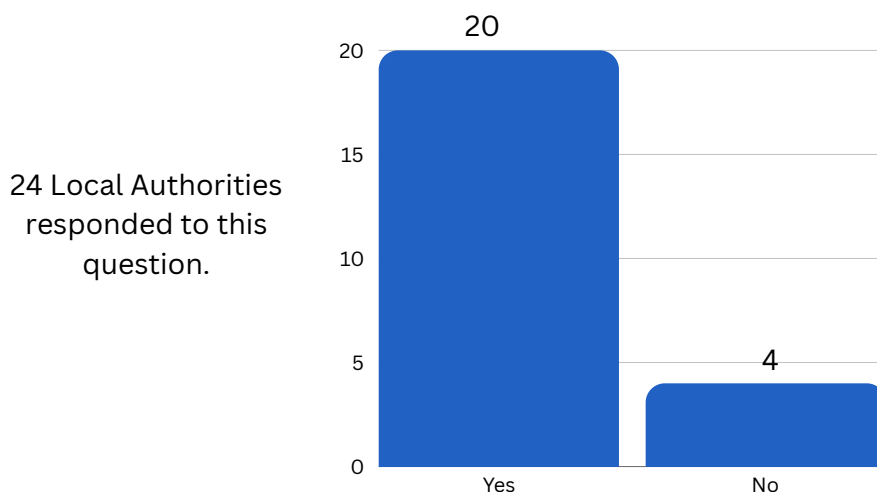
In response to our question, “Does your local authority either formally or informally exclude Care Experienced children from education?”, **five local authorities did not provide an answer**. Information relating to the implementation of policies to cease formal and informal exclusion should be publicly available so that Scotland can be confident that the aims of The Promise are being met.

In an attempt to access some of this information, we also asked: **“By what date do you intend to cease the practice of informal or formal exclusions of Care Experienced children?”**

Of the 21 local authorities that responded, **18 provided no target date to end exclusions** from school for Care Experienced pupils. If Scotland is to monitor or measure this Promise commitment, it is imperative that targets are set and progress monitored.

**When asked about short or reduced timetables, 20 local authorities told us that they use these as a way of reducing formal exclusions** for Care Experienced pupils. Whilst this may seem beneficial by allowing pupils to remain in school for short periods of time during the school term, our members have told us, and are correct in their belief, that the use of shortened or reduced timetables is another form of exclusion. These informal exclusions may contribute to poorer educational outcomes for Care Experienced pupils.

Does your local authority use reduced timetables (sometimes known as short timetables) as a way of reducing exclusions for Care Experienced pupils?





# 1 - A Good Childhood

## Education

### School Days Lost

There can be many reasons why Care Experienced pupils may be absent from school such as illness or attending a meeting with a social worker. However, the impact of increased absence may lead to poorer outcomes for Care Experienced pupils.

Government statistics reveal that Care Experienced pupils tend to leave school earlier than their non-Care Experienced peers. This data also shows that they have far fewer qualifications when leaving school. We know that Care Experienced pupils are also taken out of education to attend social work meetings and hearings. Since The Promise was published, **Care Experienced pupils have been absent from school for 1,304,088 days** from the 22 local authorities that responded with a figure.

### Good News

Virtual School Head Teachers began in Scotland in 2018, but have increased in scale and influence since the publication of The Promise. As of September 2023, **18 local authorities had a Virtual School Headteacher, or similar**, in post (CELCIS, 2023).

Virtual School Head Teachers have a responsibility to ensure Care Experienced pupils have the support and environment they need to feel settled and nurtured to be able to thrive at school. We have heard anecdotally from our advocacy workers and Communities that Care team about the positive impact the virtual schools are having for many of our members. This has included resolving part-time timetabling issues, facilitating access to educational psychologists and challenging discrimination towards Care Experienced pupils within schools.

### Lack of Data

This number could potentially be considerably higher given that **ten local authorities did not provide any data**.



## 1 - A Good Childhood - Education - School Days Lost

### Our Conclusion

The attainment gap between Care Experienced people and their non-Care Experienced peers must be addressed. Education can have a massive impact on someone's life and set them up to go on to positive destinations.

At present, there can be too many interruptions in the school day for Care Experienced people. Our members tell us they are often required to attend meetings and appointments during the school day such as Children's Hearings and courts.

They are also formally, or informally, excluded often at the most challenging times in their lives and can be required to move from school mid-term when a placement move relocates them.

We have also heard of examples of Care Experienced children and young people being asked to participate in events and share their views about care during school hours. Meaningful participation should not have a negative impact on Care Experienced people's education. These absences all have a big impact on the learning of Care Experienced pupils and the stigma they experience from teachers and other pupils.

It is encouraging that **one local authority** has ended the formal and informal exclusions of Care Experienced pupils and **two more** have set dates to end the practice. However, there continue to be data gaps and concerns about the lack of action from other local authorities. Scotland is not on track to deliver the education commitments set out four years ago.



# 1 - A Good Childhood

## Restraint

**Restraint of children and young people in care normally means the act of physically limiting a Care Experienced person's bodily movement through force.**

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

**The Promise, page 85**

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We asked every local authority in Scotland about their use of restraint since the publication of The Promise. There were 19 local authorities that responded and told us that since February 2020, there have been **between 2,355 and 2,360 children and young people subjected to the use of restraint**. We believe this figure could be higher as nine local authorities did not provide a response and three local authorities told us that they do not record this information centrally, so could not provide us with any data.

Furthermore, some local authorities were only able to report on restraint practices within residential homes that they run and not those which they commission.

In 2020, [Fiona Duncan then the chair of the independent care review said](#), “**I think part of the challenge is we know that use of restraint is not properly documented and recorded,**” she added. “**We are very clear we need to know when and where it’s happening and why. There is a lot of work to do so that we can stand-up very soon and say Scotland no longer uses restraint.**” Four years on, this issue is still ongoing.

### **Lack of Data**

In carrying out our research, **we did not get any data** on the number of cases of restraint **from 13 local authorities**. The reasons for not being given an answer were that the data wasn’t recorded or that the cost to obtain the answer would exceed the £600 FOI limit. This is concerning as local authorities are required to record and report all incidents of restraint to the Care Inspectorate within 48 hours and should have had this data readily available.



## 1 - A Good Childhood - Education - Restraint

### Dangerous Dilution

We have seen a dilution of the original aim for Scotland to become a nation that does not restrain its children as set out in The Promise. This can be seen with the introduction of terms such as “safe holds” used to describe the practice previously known as restraint. One Local Authority responding to our FOI said that “the HSCP no longer uses the term “restraint” in our practice, we refer to safe holds.”

As well as this, Plan 21 - 24 adds to this dilution by stating on page 24 that: “Restraint will always be pain free, will be used rarely, and only when required to keep a child safe.”

The [Scottish Government’s Promise Implementation Plan](#) echoes Plan 21 - 24 that restraint will only be used when necessary to keep a child safe and sets out actions to ‘support the continued safe use of restraint’. This includes working with the Scottish Physical Restraint Action Group to explore the definitions of restraint, the data that is held and training and support available for residential care staff.

This is quite different from the statement in The Promise. Scotland must be steadfast in its commitment to protect children from violence and end all uses of restraint.

### Good News

Positively, **two local authorities** have told us that they have recorded zero uses of restraint since the publication of The Promise. This shows that the commitment to abolish restraint is realistic and achievable.

### Our Conclusion

There must be increased accuracy and transparency around the recording and reporting of when Care Experienced people are restrained. Only then can the progress to becoming a ‘nation that does not restrain its children’ be tracked. There must be target areas that require extra support to achieve the phasing out the practice altogether. To achieve this, local authorities must be appropriately funded and provided with high quality training to be able to measure and ultimately, eradicate this harmful practice. It must not be allowed to continue under a different name.



# 1 - A Good Childhood

## Access to Advocacy

The Scottish Independent Advocacy Alliance defines independent advocacy to be ‘about speaking up for, and standing alongside individuals or groups, and not being influenced by the views of others. Fundamentally it is about everyone having the right to a voice.’

“Care Experienced children and adults must have the right and access to independent advocacy, at all stages of their experience of care and beyond.”

### The Promise, page 115

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Through our research, we asked every local authority about their level of lifelong advocacy provision. Out of 29 local authorities that responded, **13 said they do not currently provide independent advocacy services for Care Experienced people at all stages of their lives.**

“There must be no upper age limit. Advocacy must be available for all care experienced individuals for as long as they need it.”

### The Promise, page 115

## Our Data

Our Summer of Participation research 2023 gathered the views of over 200 Care Experienced people on a range of issues. When asked about extra protection for their rights in law, which would include **access to advocacy**, **80% of Care Experienced adults told us that they want it.**

**Our National Advocacy Helpline is most commonly called by Care Experienced people over the age of 26** who are no longer eligible for statutory support from Corporate Parents but are still being impacted by their time in care. The most common issues, in order, that Care Experienced adults contact the Helpline for support with are finance, education and training, housing, health and wellbeing, and legal (which includes tasks like accessing records and redress for abuse in care). Nearly half of calls relate to finances and poverty.



## 1 - A Good Childhood - Access to Advocacy

### Good News

In positive news, we set up our helpline for Care Experienced people in 2020 in response to the pandemic. It has since evolved to be the National Advocacy Helpline and is the only service which provides support to Care Experienced people of all ages. Since its launch, it has **taken over 3,500 calls. The largest group of Care Experienced callers aged 26 and over.**

On top of this, The Scottish Government has committed to providing advocacy to Care Experienced people whenever they made need it and has already started consultation on how to do so.

### Our Conclusion

Across Scotland, the provision of independent advocacy can vary between local authorities. There must be a recognition that an individual's experience of the care system can leave a lifelong impact. Therefore, local authorities should be supported with funding to provide advocacy services for Care Experienced people whenever they may need it. Alternatively, other methods of boosting this provision across the country should be considered.



# 1 - A Good Childhood

## Homelessness

When the state has intervened in a child's life and taken on legal responsibility for their wellbeing and upbringing, it is unacceptable that too often Care Experienced people find themselves having to declare themselves homeless to their local authority and navigate the bureaucracy that comes with that.

“Housing pathways for Care Experienced young people will include a range of affordable options that are specifically tailored to their needs and preferences. Youth homelessness will be eradicated.”

Plan 21 – 24, page 24

“While the government hit the pause button, homelessness increased in Scotland in 2021/22. A quarter of households who make homeless applications include children. Alongside this, there is a decrease in new homes being built, long waiting lists for social housing, and increasing rents in the private sector.”

The Promise Oversight Board Report Two, page 33

### Our Advocacy Data

Throughout 2023, **Care Experienced people contacted us for support to access their right to housing 171 times**. Many of these issues were raised through our National Advocacy Helpline by Care Experienced young people aged 16-26 who have left care but are not recognised as legal care leavers. As the third most common reason for contacting our helpline, 11% of calls relate to housing.

### Our Conclusion

While national statistics record the number of young people applying as homeless directly from leaving care, these figures may misdirect the scale of the issue. The Money reported that **Care Experienced people are twice as likely to experience homelessness** than their peers, and **1.5 times more likely to experience severe and multiple disadvantage**, which includes rough sleeping. Having a safe and warm place to call home is an essential foundation to everyone's physical, mental and emotional wellbeing. Homelessness has a devastating impact on many people's ability to excel in other aspects of their life, such as education, employment and social connection. The decision to pause this critical work to ensure Scotland's children can enjoy this basic right is a critical barrier to achieving other aims of Plan 21 - 24.



## 2 - Whole Family Support

We've examined some of the recommendations made in The Promise and Plan 21 - 24 regarding 'Whole Family Support'. We focused on areas relating to living with families, adoption breakdowns and trauma informed practice as these are some of the top issues our members share frustrations about.

### Living with Families

Care can take place in several different settings. Two of these involve being cared for by family members. This could be at home with parents on a social work order or in a kinship care arrangement with a relative, such as a gran, an aunt or uncle.

"Where children are safe in their families and feel loved they must stay."

Plan 21 – 24, page 25

"Access to support must not be predicated on a particular care setting or where children and families live."

Plan 21 - 24, page 26

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In August 2023, the Scottish Government announced the Scottish Recommended Allowance (SRA) for foster and kinship carers. This meant that all foster and kinship carers in Scotland will receive at least a standard national allowance to support them in caring for the children and young people that they look after.

While all local authorities that provided a response are paying at least the minimum required under the recommended allowance there remains a disparity with eleven local authorities paying foster carers more than kinship carers.

### Good News

Positively, **ten local authorities** told us that **they pay both foster carers and kinship carers the same weekly rate**. We welcome the recognition of the equal value of both types of placements and thus providing the same level of financial support to look after the children in their care.



## 2 - Whole Family Support - Living with Families

### Our Conclusion

Those providing care for children should be supported no matter the type of placement. This could be through training as well as making financial support equal across Scotland for foster and kinship carers.

Whilst it is positive that there are ten local authorities in Scotland paying the same rate, **there are at least two which reduced the rate paid to kinship carers in line with any benefits they received.** Additional income by foster carers is not deducted from their rate and therefore kinship carers in receipt of benefits should be given the same treatment. **This practice must end with the weekly rates set out by the SRA being upheld and equal payment for both.**



## 2 - Whole Family Support

### Adoption Breakdowns

Adoption breakdown refers to an adoption placement ending. These breakdowns can happen for many different reasons and at varying points of the adoption timeline.

“Scotland must avoid adoption breakdown and whilst achieving this collect data on the extent and reasons for adoption breakdown.”

#### The Promise, page 76

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Through our research, we found that between **75 to 108 children and young people**, from the 28 local authorities that responded, have **experienced a breakdown of their adoption** since the publication of The Promise.

#### Lack of Data

As was clear from The Promise there must be more work done to investigate the reasons for adoption breakdown and mitigations sought to better support adoptive parents in future. **We heard from two local authorities that they do not record adoption breakdowns.**

#### Our Conclusion

More must be done to support adoptive families to provide the holistic support each Care Experienced person needs, whenever they may need it. We heard from local authorities that the reasons for these breakdowns ranged from relationships, behaviour issues, health and safety. Adoption must not be seen as the end result. Support and training should be easily accessible, if and when it is needed, to make sure families are supported to stay together. When breakdowns do happen, this needs to be centrally recorded and reported on so work to reduce them can be as effective as possible.



## 2 - Whole Family Support

### Trauma Informed Practice

It is recognised that Care Experienced people may have experienced some form of trauma in their lives (Improvement Service et al., 2023). It is important to respond to trauma in careful and thoughtful ways. This can be done through trauma informed practice, where those who provide services for Care Experienced people are able to take this into account to respond and adapt appropriately.

“The workforce will feel supported to respond to behaviour in a trauma informed way that reflects a deep understanding of the children in their care.”

Plan 21 - 24, page 24

“Scotland must support its workforce to manage very difficult situations. This means a genuine focus on response to challenging behaviour in a trauma informed way”

The Promise, page 85

### Good News

There was **nine local authorities** that told us that there was a level of trauma informed training being delivered to their staff.

### Lack of Data

In response to our FOI, **11 local authorities told us that they do not record any data relating to the delivery of trauma informed training** for their staff.

### Our Conclusion

Having a trauma informed approach embedded within staff teams in local authorities is key to providing services that meet the needs of Care Experienced people. If Scotland is to properly meet these needs, proper training must be provided not only to all local authority staff but to all services and organisations that interact with Care Experienced people.



### 3 - Planning

We examined some of the recommendations made in The Promise and Plan 21-24 sections on ‘Planning’, specifically relating to the monetisation of the care system.

#### Profit Making

Many profit-making companies are currently commissioned to provide children and young people's care services in Scotland. This is potentially diverting vital funding away from being utilised for improvements to the care system.

In researching these commitments, we asked local authorities across Scotland: “How much has been spent in your local authority area to profit-making companies delivering children’s residential care since 5/2/20?”. We heard back from 26 of them.

Since the publication of The Promise, 15 local authorities have spent £218,383,947.42 on providing residential children's care to profit-making companies. This reveals that a vast amount of money is going into the bank accounts of private profit-making companies instead of being reinvested in local authorities to meet the aims of The Promise.

“Scotland must avoid the monetisation of the care of children and prevent the marketisation of care”

**The Promise, page 111**

“Follow the Money and The Money demonstrates that Scotland needs to take a different approach to how it invests in its children and families. There is no place for profiting in how Scotland cares for its children.”

**Plan 21 - 24, page 31**

#### Room for Improvement

Of the 26 who responded, 14 local authorities stated they had no plans to stop using profit making companies to deliver care services.



### 3 - Planning - Profit Making

#### Lack of Data

Scotland must know where public money is spent on delivering children's care services. Worryingly, **there were five local authorities that said they did not record this information** or the cost of obtaining it would exceed the £600 limit. If Scotland is to meet the aims of The Promise this must be tracked and monitored in a transparent way.

#### Good News

There were **four local authorities that told us they did not use profit-making companies** to deliver children's residential care since the publication of The Promise. Another **two said that they intend to end the practice of giving profit-making companies contracts to deliver children's residential care by 31st March 2024.**

#### Our Conclusion

A lack of appropriate alternatives and infrastructure means the demand for services can often outweigh what local authorities are able to supply themselves locally. Money must be spent proactively to combat this issue. Until local authorities are given sufficient funding and support to invest in alternatives, the monetisation of care will not be adequately challenged.



## 4 - Supporting the Workforce

Here we examined the recommendations made in The Promise and Plan 21 - 24 section titled 'Supporting the Workforce'. We focused on those relating to supporting social work staff and training.

### Workforce Absence

Staff absence within any organisation can occur for a variety of reasons. Whilst most organisations are equipped to deal with some level of absence, high levels can have significant impact. Within children's services this may lead to a lack of availability of trained staff to support Care Experienced people and their families.

"Scotland must place trust in its workforce to develop and nurture relationships, enable their capacity to care and love and provide support to make this part of daily life."

**The Promise, page 20**

"A new framework of support will be in place to ensure people involved in the care of Care Experienced children and young people feel valued, encouraged and have supportive relationships for reflection with high quality supervision and environmental conditions."

**Plan 21 - 24, page 30**

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Social work staff are at the forefront of the lives of the children and young people who are in or around Scotland's care system. That supporting workforce needs to be supported in itself. However, our research reveals that across Scotland social workers have a challengingly high level of sickness absence. This level of absence could have an impact on the quality of service that Care Experienced people receive. It might lead to difficulties maintaining a consistent relationship with them and being moved around different workers.

We have heard anecdotally that a reduction of almost 2,000 children coming into the care system in years 2020 to 2022 is being heralded as a positive indicator of the success of The Promise. More work needs to be done to understand if this statistic can be claimed as a success or if it's a worrying failure. This is especially critical given the restricted access that social workers and other council services had to families during this time due the pandemic restrictions and high absence rates.



## 4 - Supporting the Workforce - Workforce Absence

Whilst sickness levels of social workers vary across local authorities, some areas have reached worryingly high levels. Below we have detailed the highest rates of sickness absence reported in different local authorities over a three year period.

- 2021 - **65.2%** of social workers had an absence due to sickness.
- 2022 - **77.9%** of social workers had an absence due to sickness.
- 2023 - **83.3%** of social workers had an absence due to sickness.

### Room for Improvement

Each year a different local authority has had the highest level of sickness absence which highlights that this is a Scotland-wide crisis. Compared to the UK market average sickness rate, last reported as 2.6% in 2022 (Office for National Statistics, 2022), the figures above indicate that in comparison this is an alarming issue for the social work profession which requires an urgent strategic approach. Scotland must investigate the impact of lower staffing levels. It's important to discover why sickness levels are so high amongst social workers, and how this can be reversed.

### Our Conclusion

Social workers have a crucial role in Scotland keeping The Promise. Local authorities must receive adequate levels of support and funding to have sufficient levels of staff needed to ensure that Care Experienced children, young people and their families receive all the support that they require.

Caution should be exercised when celebrating a reduced number of children and young people coming into care when we know support resources are under increasing pressure. It is important to ask how much is being done to understand the lives of those children and young people not coming into care.



## 4 - Supporting the Workforce

### Training

Providing knowledge and understanding through training is one way of positively educating people about the care system and Care Experienced people.

“Schools in Scotland must ensure that pupils and parents understand ‘care experience’ as part of their communities and as another type of family. Teachers and school staff must be supported to be aware of the issues facing care experienced pupils so they can best engage and encourage.”

#### The Promise, page 72

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For Care Experienced pupils to feel included and supported in school, everyone within the school community such as teachers, pupils, and families must have some level of understanding of what it means to be Care Experienced.

We asked local authorities two questions about training to school communities. Which focused on pupils, families and school staff.

Of the 32 local authorities we asked, **19 responded stating that they provided some level of training to pupils and families around understanding care experience.** However, **ten local authorities responded stating that they did not provide any training on this area to either Corporate Parents, pupils or families.**

When asked about school staff, 27 replied with differing levels of training provided. However, it should be noted that some of the training was optional and not mandatory.

#### Good News

Targeted **work is being done by our Communities that Care project in three local authorities** to deliver in-depth training on care experience to the full school community. This public education breaks down prejudices and stigma, and creates the conditions for Care Experienced pupils to thrive.



## 4 - Supporting the Workforce - Training

### Our Conclusion

If Scotland is to keep The Promise more must be done to investigate how best to educate members of the public to understand care experience and deliver it at scale as soon as possible.

When Scotland takes care of every member of our community, so they feel like they belong and are understood, everyone in our communities benefit. That's why there must be support provided to local authorities to deliver on this vital part of The Promise.



## 4 - Supporting the Workforce

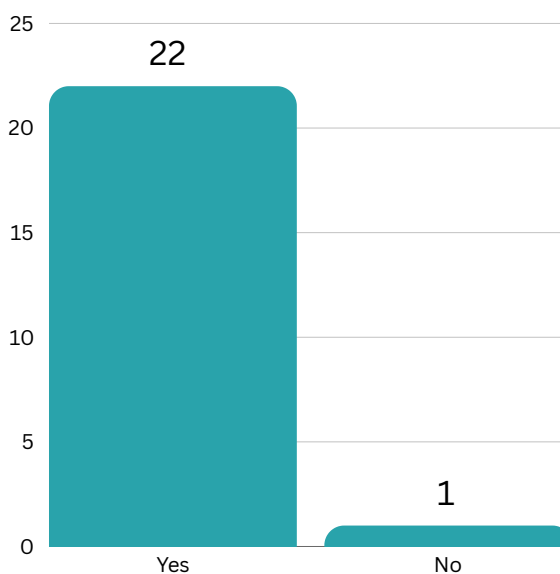
### Language

#### Good News - Language

Of the 32 local authorities that we asked, 22 responded positively to the question: **“Are you able to demonstrate that your organisation is embedding destigmatising language and practices relating to Care Experienced people?”**. This means **70% of local authorities** told us that they **were able to demonstrate that their organisation is embedding destigmatising language and practices** which is a key theme throughout The Promise.

Are you able to demonstrate that your organisation is embedding destigmatising language and practices relating to Care Experienced people?

23 Local Authorities responded to this question.





## 5 - Building Capacity

In this section, we examined some of the recommendations made in The Promise and Plan 21 - 24's section on 'Building Capacity'. We focused on the Children's Hearings System, legislation and including the opinions of Care Experienced people.

### Children's Hearing System

A Children's Hearing is a legal tribunal that decides what is best for a child or young person who may be experiencing issues at home or at school. If a child or young person is required to attend a hearing, they will be notified by the Scottish Children's Reporter Administration.

"The Children's Hearing System will have gone through a redesign process."

"Scotland must create an approach to care where maintaining, sustaining and protecting loving relationships as possible and much more probable."

**Plan 21 – 24, page 36**

**The Promise, page 25**

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Long before the publication of The Promise, Care Experienced people with experience of the Children's Hearings System told us they wanted change. It's positive that this work is progressing in some manner.

### Good News

In May 2023, the 'Hearings for Children: The Redesign Report' was published. This report set out 130 recommendations to put children and young people at the centre of panel meetings and redesign the Children's Hearing System. The Scottish Government officially responded to this report in December 2023. However, we have some concerns around the strength of recommendations relating to advocacy provision within this report. Independent advocacy will always be absolutely vital for some children and young people to be able to have their views heard and their rights upheld whilst navigating adult processes and living in care, and must always be available.



## 5 Building Capacity - Children's Hearings System

### Our Conclusion

The report on redesigning the hearings system reiterated that Care Experienced people wanted to have consistency of panel members, for the discussions to feel less adversarial, the guarantee of an independent advocate and for meetings to be held at times that suit them.

It is vital that future Care Experienced people do not keep asking for the same changes. It is good to see progress on the commitment of redesigning the Children's Hearing System. But if Scotland is to truly live up to this, the recommendations must be actioned where possible and in agreement with Care Experienced people.



## 5 - Building Capacity

### Legislation

It can be the case that policy intentions are not turned into reality for the people they were intended for until there is a statutory requirement to fulfil them. For example, the intention and terminology of Corporate Parenting has been in wider use since the Utting report in 1997. However, it only became fully embedded into our services after the passing of the 2014 Children and Young People (Scotland) Act.

“Over the course of the next Parliamentary term, there will be identifiable progress made towards ensuring Scotland’s legislative framework around the breadth of the ‘care system’ is coherent and cohesive, upholds the conclusions of the Independent Care Review and is compliant with the UNCRC.”

Plan 21 – 24, page 36

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### Good News

Since the publication of The Promise in 2020, **the Scottish Parliament has passed three laws and progressed two Bills that directly advance human rights for Care Experienced children, young people and adults.** This includes:

- United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024
- Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021
- Children (Scotland) Act 2020

We welcome these laws and the potential for further rights protection through the Children (Care and Justice) (Scotland) Bill and the Scottish Human Rights Bill. The Scottish Human Rights Bill offers a unique opportunity to address the lifelong inequalities experienced by the Care Experienced population of all ages. We are calling for the Bill to name people with care experience in the equality clause as a distinct group of rights holders who face additional barriers to enjoying their rights. These lifelong inequalities are set out in the Independent Care Review’s report ‘The Money’ (p.10) and our recent [Lifelong Rights Report](#). We were encouraged to see that a ‘significant minority’ of respondents to the [Scottish Government’s consultation](#) on the Bill supported this position.



## 5 - Building Capacity - Legislation

### Our Advocacy Data

Our independent advocacy service is explicitly based on upholding and promoting the rights of Care Experienced people. We record the issues Care Experienced people ask us for advocacy support with and note the rights they refer to under the United Nations Convention on the Rights of the Child (UNCRC) and the European Convention on Human Rights (ECHR). Around 10,000 individual rights are supported by us annually with the most frequent issues being related to:

- Respect for views – Article 12, UNCRC
- Right to live with or keep in contact with parents – Article 9, UNCRC
- Right to an adequate standard of living – Article 27, UNCRC
- Right to privacy and family life – Article 16, UNCRC and Article 8, ECHR
- Right to relationship with brothers and sisters – Children (Scotland) Act 2020

### Our Conclusion

It is encouraging to see such ambitious legislation being passed in the Scottish Parliament to the benefit of Care Experienced people. The need for these rights were clearly evidenced throughout the Independent Care Review and the statutory duties on authorities to now uphold them are welcomed by our members and independent advocacy workers.

However, we have said previously that it feels like Scotland is stuck in implementation purgatory. Decision makers need to ensure that they don't continue to create legislation that isn't fully implemented.



## 5 - Building Capacity

### Reverse Mentoring

Reverse mentoring is working with those with lived experience to ensure their experiences are reflected within strategic thinking and delivery . This is a valuable way of working with Care Experienced people to drive change and improvement within governance structures.

“Decision makers should work with those with experience of the 'care system' to embed lived experience within strategic thinking and delivery.”

#### The Promise, page 37

As outlined in The Promise, Care Experienced people must influence all levels of decision making. Within ‘Building Capacity’ of Plan 21 – 24, it shares that this should reach the highest levels and that those in positions of governance such as on Scotland’s boards and public bodies, which impact the care system, should have Promise values embedded within recruitment. They should understand care and therefore listen to Care Experienced people.

### Good News

On our question about reverse mentoring, there were **positive responses from 20 local authorities**. They were able to provide evidence of reverse mentoring being used to embed lived experience within their strategies.

### Lack of Data

There were **ten local authorities who responded that either could not provide evidence of reverse mentoring being used** or told us that they did not record any information regarding it.

### Our Conclusion

While Care Experienced people will have differing experiences of the care system, it is important that decision makers, such as senior managers and elected members, proactively engage with them. This allows for them to better understand the challenges facing Care Experienced community and use this knowledge when making decisions.



## Concluding Statement

Scotland is now almost halfway through the ten-year plan to implement The Promise. It is clear that whilst commitment remains high and some progress is evident, Plan 21 - 24 will not be implemented in full.

The Promise Oversight Board, along with the First Minister, have stated that they believe that they are still on course to meet the promise by 2030. This is in spite of the Oversight Board stating that the first phase of implementation is not currently on track. This is a [sentiment echoed by the Former First Minister, Nicola Sturgeon](#).

We know there are barriers related to funding and the external challenges faced globally over the past four years. However, much of our discovery during this research was that, in many cases, we were told that key commitments in The Promise were either not being tracked or have not started being put into practice. Worryingly in some cases, commitments were not even being considered for practice currently. This suggests a breakdown around planning, tracking and accountability which are all fundamental elements for transformational change.

Scotland's care 'sector', including local authorities, third-sector organisations, educational establishments, and health providers, are at the front line of delivering the required reform. They are being tasked with delivering the commitments of The Promise, against the context of tighter budgets, cuts, and growing costs. If The Promise is to be upheld, they must be supported to do so.

We believe what is needed most is financial support across the sector. There must also be a clear route map with tangible actions and dates set out for each local authority to work towards, which takes account of the challenges which lie ahead.

Plan 21 - 24 has not been delivered in full and failure with Plan 24 - 30 cannot be accepted. The Promise to ensure a lifetime of equality, respect, and love for all Care Experienced people must be kept.



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Is Scotland Keeping The Promise?

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**February 2024**

If you have any questions regarding this report or would like to discuss the findings, please get in touch at [policy@whocaresscotland.org](mailto:policy@whocaresscotland.org).