

RESPONDEE INFORMATION FORM

Getting it right for every child: Consultation on the draft Children's Services (Scotland) Bill

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately.

Name: Andrew S. Girvan, Director of Children's Services

Organisation: NCH Scotland

Postal Address: City Park, Alexandra Parade, Glasgow, G31 3AU

Consultation Title: Draft Children's Services (Scotland) Bill

1. Are you responding as: (please tick one box)

- | | |
|--|--|
| (a) an individual | <input type="checkbox"/> (go to 2a) |
| (b) on behalf of a group or organisation | <input checked="" type="checkbox"/> (go to 2d) |
| (c) both as an individual and on behalf of a group or organisation | <input type="checkbox"/> (answer 2a to d) |

2a. **Confidentiality: Individuals:**

Do you agree to your response being made available to the public (in the Scottish Executive library and/ or on the Scottish Executive website)?

- | | |
|-----|--|
| Yes | <input checked="" type="checkbox"/> (go to 2b) |
| No | <input type="checkbox"/> (go to 3) |

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes):

- | | |
|--|-------------------------------------|
| Yes, make my response, name and address all available | <input checked="" type="checkbox"/> |
| Yes, make my response and name available, but not my address | <input type="checkbox"/> |
| Yes, make my response available, but not my name or address | <input type="checkbox"/> |

2c. It would be useful for us to know your professional background and whether you are a young person. You do not need to provide this information, but it may help us respond to issues which are raised by different professional groupings. If you wish to provide information, please tick all that apply.

Is your professional background in (not compulsory):

- | | |
|------------------|-------------------------------------|
| Health | <input type="checkbox"/> |
| Education | <input type="checkbox"/> |
| Social Work | <input type="checkbox"/> |
| Voluntary Sector | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Are you (not compulsory):

- Under 18 years of age
18-25 years of age
26 or over

2d. Confidentiality: On behalf of groups or organisations:

Your name and address as a respondent organisation *will be* made available to the public (in the Scottish Executive library and/ or on the Scottish Executive website). Are you content for the text of your response to be made available also?

- Yes
No

3. We would find it helpful to share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

- Yes
No

Children's Services (Scotland) Bill

Consultation will last until **31 March 2007**. We welcome all contributions to help us produce more effective legislation. Please fill in the form below to record your views. Other views (in addition to the questions) would also be welcome. Please continue on a separate sheet if necessary. Copies of the completed form should be sent to:

Children's Services (Scotland) Bill team
Scottish Executive
2B (South)
Victoria Quay
Edinburgh
EH6 6QQ

Responses can be emailed to: gettingitrightforeverychild@scotland.gsi.gov.uk

Or an online response form is available at www.scotland.gov.uk/childrenservicesbill

Part 1: The draft Bill

Q1 Do you think that the concept of well-being in relation to the duties on agencies set out in sections 1 and 2 of the draft Bill is helpful?

Yes No

Do you have any comments?

NCH Scotland believes that the concept of ‘well-being’ is helpful. It is an inclusive, holistic term which helps to convey that the Draft Bill seeks to improve outcomes for all children.

Our understanding from the recent National Voluntary Children’s Forum meeting, chaired by Robert Brown MSP Deputy Minister for Children and Young People, is that the Scottish Executive is currently giving consideration to amending Section 1(4) of the definition to include ‘education’ as one of the specific things by which the well-being of children should be construed. NCH Scotland would support such as amendment.

Q2 Do you feel that the duties on agencies proposed in sections 1 and 2 of the draft Bill will ensure that all relevant agencies can and will act to so that children get the help they need when they need it?

Many of the children referred to, or at the risk of referral, to the Children’s Hearings System, have complex and often multiple needs. Improving outcomes for these vulnerable children requires effective partnership working by a number of agencies. Against this background, we believe that ensuring these children do get such help will depend not only upon the proposed new duties, welcome as these are, but on other factors as well. These include the need for improved partnership working and information sharing, and for sufficient resources to be made available to provide the intensive support which many of these children will require if their lives are to be turned around.

Early intervention and prevention must also play a key role if children are to get the help they need when they need it. This approach underpins much of NCH Scotland’s work with vulnerable and difficult to reach young people. The Primary Support Project in Renfrew, for example, works preventatively with younger children to ensure their inclusion in the community. This project is innovative and successful in relation to outcomes for younger children, particularly in terms of reducing levels of school exclusions and in reducing offending and the need for formal referral to the Children’s Hearings System. The project also provides support for families and parents. Successful models such as the Renfrew Primary Support Project raise issues about the need for a package of measures around parenting support to accompany the Children’s Services legislation if and when it is introduced in the new Scottish Parliament. The need for such support is highlighted by the high level of referrals to the Children’s Hearings System based on welfare grounds, and by the adverse impact of hidden harm and parents’ drugs and alcohol addiction on their children’s welfare. NCH Scotland believes that the introduction of such measures alongside the legislation, focusing on early intervention and prevention, could make a significant contribution to reducing the number of referrals to the Children’s Hearings System. NCH Scotland would welcome an early opportunity to discuss with Scottish Ministers the type of parenting support which we believe could best complement the proposed legislation, and improve outcomes for vulnerable children.

On a drafting point we note that under Section 1(1) of the Draft Bill “every relevant agency must do its best” in relation to promoting and safeguarding the well-being of children. NCH Scotland would welcome confirmation of whether or not the Scottish Executive will be providing detailed guidance on how relevant agencies’ duty to do their “best” will be interpreted and, where appropriate, bench marked.

Q3 In your view, do the proposals in sections 2(5) and 5 of the draft Bill for recording agency decisions and actions and for a multi-agency action plan provide enough of a framework to deliver effective planning across agencies for the child and their family?

Yes No

Do you have any comments?

NCH Scotland considers that these provisions could provide such a framework, assuming that all relevant agencies have a clear understanding of their duties in relation to recording agency decisions and actions, and to the multi-agency action plan.

With regard to the multi-agency plans we note that under Section 5(1)(a) a lead person will be designated to “take responsibility for ensuring that the plan is implemented”. NCH Scotland believes it is vital to the success of these plans that the lead person has the resources to fulfil this role. We also anticipate that a high level of commitment will be required from all of the relevant agencies to ensure the effectiveness of each plan. In this respect, we believe it is important that the lead person should have the authority to ensure partners fulfil their responsibilities under the plan, and that robust mechanisms are put in place to resolve any disputes which may arise between partners.

Q4 It is the intention that the proposals in sections 4 and 5 of the draft Bill for collaboration of agencies will provide a robust but simple framework for agencies to work together locally. In your opinion, do you think that the framework will enable this to happen?

Yes No

Do you have any comments?

NCH Scotland has a proven track record of working in partnership, and on a multi-agency basis. Reflecting this, many of our projects work in close partnership with, for example, local authorities. These include the Drugs and Alcohol Teams, the role of our housing support projects in inspections conducted by housing, and NCH Scotland’s Primary support projects which work closely with Education. We are also responsible for delivering a number of key services on behalf of the Scottish Executive, e.g. our role as managing agents in rolling out the Dundee Families model. Significantly, NCH Scotland received a Care Accolade Award – Best Partnership working in 2005 for our work on the Dundee Families project with Dundee City Council and other key agencies. Against this background, NCH Scotland takes the view that these provisions could provide a framework to enable agencies to work together locally. We also consider that the development of this framework will be strengthened in the long term by the cultural changes being promoted by the *Getting it right for every child* process, with its emphasis upon strong partnerships and multi-agency working.

Q5 Are you content with the definition of relevant agencies (including parts of the voluntary sector) in section 7?

Yes No

What characteristics should make an agency a relevant agency?

NCH Scotland believes that a wide range of agencies and organisations working with children, and which have children's wellbeing at the centre of their work, could potentially fall within the definition of 'relevant agency'. The extent to which a voluntary organisation working with children will qualify as a 'relevant agency', however, remains unclear. NCH Scotland would, therefore, welcome clarification of the criteria to be used by Scottish Ministers to determine which voluntary organisations will qualify as a 'relevant agent' on the basis they have been designated to be non-public bodies for the purpose of the legislation.

If you are responding on behalf of an organisation, should your organisation be included within the definition of relevant agencies?

NCH is one of the leading children's charities in Scotland, working in partnership to run more than 65 services for more than 7000 of Scotland's most vulnerable children, young people and their families. Across the UK it runs nearly 500 services. We believe that NCH Scotland could be considered a 'relevant agency' for the purpose of this legislation, particularly given the nature of the range and type of services that we deliver, such as residential and foster care; intensive family support services, some with a residential component; residential and community based services for children with a disability; youth and criminal justice services. This, however, would depend upon the criteria to be used by Scottish Ministers in designating non-public bodies as 'relevant agencies'. There are a number of our current services where we already have a co-ordinating role in developing, implementing and monitoring multi agency care plans (such as in Dundee and Aberdeen Family Support Projects)

NCH Scotland also believes that if voluntary organisations working with children are to be included within the definition of 'relevant agency', it is vital that they receive support, guidance and training to meet their duties and responsibilities under the proposed legislation. We consider that assistance in these areas will be particularly important for the smaller voluntary organisations working with children, particularly those which are local, community based organisations.

Q6 With regards to section 11, do you agree that the Principal Reporter should not be a member of the Administration (the Board) of the Scottish Children's Reporter Administration?

Yes No

If your answer is no, please explain why.

Q7 The new power in section 12 for the Principal Reporter to appoint a representative if certain criteria are met is meant to safeguard the rights of those children who need such representation. Are you content with the introduction of this new power?

Yes No

If your answer is no, please explain why.

Q8 In section 12 the criteria for legal representation is expanded to include the appointment of a legal representative where a Children's Hearing is likely to make a movement restriction condition. Are you content with the introduction of this new criteria?

Yes **No**

If your answer is no, please explain why.

Q9 Section 14 introduces new provision to withhold information about the child where disclosure would be significantly against the child's interests. Are you content with this new provision?

Yes **No**

If your answer is no, please explain why.

NCH Scotland considers that members of the Children's Hearings System would benefit from detailed guidance being made available on this issue.

Information should also be made available for children and their carers explaining why the Children's Hearings will, in certain circumstances, withhold information, and also when disclosure would be permissible.

Q10 Are you content with the proposals in section 15 of the draft Bill to change the grounds for referral to the reporter and the Children's Hearing to reflect the needs of a child and the need for compulsion?

Yes **No**

We take the view that further information should be included in the Draft Bill about 'unmet needs'.

Q11 The relevant situations in section 15 are intended to improve on the existing conditions in section 52(2) of the 1995 Act and to address possible gaps such as self-harm by a child and exposure to domestic abuse. Do you feel that the relevant situations are appropriate?

Yes **No**

Do you have any comments?

Q12 In your opinion, do the provisions in section 16 of the draft Bill to expedite the establishment of the situational condition where the relevant person accepts the condition but the child has not understood or is not able to understand provide adequate and appropriate protection for the rights of the child?

Yes **No**

Do you have any additional comments on these changes?

Q13 In your opinion, do you feel that the proposals in section 17 for interim supervision requirements provide an appropriate additional option to a Children's Hearing when they are unable to dispose of a case?

Yes No

Do you have any additional comments on interim supervision requirements?

Q14 In relation to section 18, it is intended that any agency which is taking, or is expected to take, action in accordance with a supervision requirement should have a duty to take such action. It is also intended that a Children's Hearing may impose specific duties on an agency. A formal enforcement process will apply to breach of duties as is currently the case in relation to duties imposed on a local authority.

The provisions in relation to duties set out in section 18, together with existing duties of a local authority, are intended to adequately and appropriately provide for duties to act in relation to a child subject to a supervision requirement. Do you think that they do so?

Yes No

Do you have any comments?

Q15 In relation to section 20 on warrants, it is intended that section 66 will apply where there is an application to the sheriff under section 65. It is intended that section 69 will apply where the situational condition is accepted/established (and there is no current section 65 application). Section 45 and section 63 will continue to apply in their own particular circumstances. Further refinement to ensure this effect is intended. In your opinion or in the opinion of your organisation, will such an approach simplify warrant procedures?

Yes No

Do you have any additional comments on the proposed simplification of warrant procedures?

Part 2: Issues for consideration

Q16 The consultation document sets out a number of proposed changes to the Children (Scotland) Act 1995 arising from the Vulnerable Witnesses (Scotland) Act 2004. Are you content with these proposals?

Yes No

Do you have any further comment?

Q17 For the small group of young people who continue to pose a risk to themselves or others, and **who cannot or will not engage** with services who are working to change their behaviour, we wish to explore further options to compel them to change their behaviour. To secure continued support and intervention for young people involved in offending we would like to hear your opinions on:

- How we can best ensure that children's services continue to support young people who offend to make cease offending and make a successful transition into positive adulthood?
- How we could formalise systems to ensure that this happens?

NCH Scotland is making significant progress in our work with some of the most vulnerable and difficult to reach young people in our society, including young offenders and those at risk of offending. We take a holistic approach to meeting the needs of these young people, and to supporting them to make the most of their lives. This is reflected in the design and delivery of NCH Scotland's services, which focus on early intervention and on intensive support. We consider that such an approach offers major opportunities to support difficult to reach young people to turn their lives around.

NCH Scotland's GAP Inverclyde project, for example, offers intensive support to young people who have been offending, or are at risk of re-offending. This includes helping the young people to address, for example, any health issues they may have, including drugs and alcohol misuse, helping them to access further education and/or training opportunities and to secure employment.

The emphasis is also upon early intervention and intensive support at NCH Scotland's ISCC (Intensive Supervised Structured Care) project in Ayr, which provides an alternative to secure accommodation for young people who are cared for in an open residential unit with a linked professional foster carer scheme. This project offers intensive support to the young people, including education support and help to young people to access key services such as health services. Young people at ISCC are currently participating in the 'Reading Rich' project, funded by the Scottish Executive, which is being progressed by NCH Scotland in partnership with the Scottish Book Trust. 'Reading Rich' is designed to encourage looked after children to develop an interest in reading, and in literature

Another NCH Scotland project which has been successful in supporting vulnerable and difficult to reach young people, including young offenders, to turn their lives around is the Prevocational Construction Training (PICT) project. This project, developed in partnership with Fair Pley Ltd and part funded through Communities Scotland's Wider Role Programme, has provided successful outcomes for disengaged young people in the Inverclyde area by supporting them in their efforts to secure employment and training opportunities in the construction industry. It scored 77% in an independent evaluation assessment. A similar project, with a strong emphasis on partnership working, is NCH Scotland's Glasgow Great Eastern Youthbuild. NCH Scotland is the lead partner for this project, which we run in conjunction with a number of partners, including Scottish Enterprise, Communities Scotland, Glasgow City Council, the Community Safety Partnership and local housing associations. The Campbell Construction Group is the main contractor. This seeks to secure sustainable employment in the construction industry for 32 young people from the most disadvantaged communities in Glasgow's East End.

- How we might respond to the concerns of our communities in the best way to deal with the problem of persistent offending by young people?

Further thought should be given to increasing the use of reparation, and to bringing offenders together with their victims, as a means of getting persistent offenders to address their behaviour.

In addition, greater support should be given to intergenerational work focusing on breaking down barriers, and to promoting greater mutual understanding, between different age groups within local communities.

Q18 The Scottish Executive is committed to promoting and supporting the rights of children and to reflecting the provisions of the UN Convention on the Rights of the Child in the development of policy and legislation. To ensure that we are effectively promoting and supporting the rights of children we would like your views on the following:

- The Bill as drafted is intended to improve children's rights in Scotland. Do you feel it will do so effectively?
- Should we also consider a general duty on agencies working to meet the needs of children to also promote and support the rights of children?

NCH Scotland believes that a general duty should be placed on agencies to meet the needs of children, and also to promote and support their rights.

Q19 The Scottish Executive is committed to equality of opportunity for all regardless of race, religion or belief, disability, sexual orientation, age or gender, language, social origin or political opinion. Do you have any views on whether anything in the draft Bill will have a differential impact on equality communities?

Yes No

If yes, please could you explain why you think this might be the case

Q20 We would be grateful for views on what further legislative provision for information sharing beyond that proposed in the Protection for Vulnerable Groups (Scotland) Bill may be necessary to deliver the *Getting it right for every child* agenda.

Comment

NCH Scotland's understanding is that Scottish Ministers have given a commitment that the information sharing provisions removed from the Protection for Vulnerable Groups (Scotland) Bill will be incorporated into the Draft Bill if, and when, it is introduced in the new Scottish Parliament. We believe that this raises a number of important issues, including the question of which relevant agencies the information sharing provisions will apply to. Our interpretation of the information sharing provisions of the Protection of Vulnerable Groups (Scotland) Bill as introduced, was that these provisions would only have applied to the voluntary sector where a voluntary sector organisation was contracted to provide services to children or protected adults on behalf of local authorities or other statutory agencies. It would be helpful to have confirmation from the Scottish Executive of whether or not this will also be the case with the Children Services legislation, or if the information sharing provisions will apply to all relevant agencies.

We also believe that the information sharing provisions must strike a balance with children's rights, and in particular the need for confidentiality. Without such an approach there is a risk that children's rights will be undermined.

Q21 Would amending the definition of a child 'in need' in the Children (Scotland) Act 1995 be helpful to the aims of *Getting it right for every child* without causing unwanted consequences?

Yes No

Comment

NCH Scotland is aware that one of the objectives of the Draft Bill is to avoid unnecessary referrals to the Children's Hearings system. The impact of amending the definition of a child 'in need' on this objective would depend upon the wording of the new definition.

Q22 We would be grateful for informed comment on any or all of the matters discussed in the partial Regulatory Impact Assessment including views on any matters arising from the draft Bill which may (in your view) have cost implications.

NCH Scotland notes the statement at Paragraph 7.9 of the Regulatory Impact Assessment that the intention in the long term is for these reforms to be "cost neutral". In the light of this statement we would welcome clarification of the resources which will be made available to ensure that supervision requirements are properly resourced, and that children receive the help they need when they need it.

We would also welcome further information about the resources that will be made available to increase the recruitment, and to improve the retention of, social workers, given the latter's often key role in improving outcomes for vulnerable and difficult to reach children.

In addition, it would be useful if further information could be provided about the level of resources which the Scottish Executive will make available to the voluntary sector to ensure it receives sufficient support, training and guidance to help it meet its duties and responsibilities under the proposed legislation. Such support will be particularly important for the smaller, community based organisations working with children.

Q23 We are interested in any other views you have on both the content of the draft Bill consultation and on ways which we could make this type of exercise more accessible to a wider range of people in the future.

NCH Scotland takes the view that this legislation, if and when it becomes law, must be accompanied by a package of parenting support measures. We believe that ensuring parents can access such support will help to reduce the number of children referred to the Children's Hearings System, and to improve outcomes for difficult to reach children and young people. In this context, it may be that, where supervision requirements for children are made, mechanisms are also put in place, where appropriate, to ensure parents receive parenting support. NCH Scotland appreciates that these issues fall outside the Draft Bill, but we believe

they are essential if we are to improve outcomes for vulnerable children, and would welcome an early opportunity to discuss them further with Scottish Ministers.