

Minister for Children, Young People and the Promise

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Dear Sue,

Thank you for your letter, dated 23rd May, on behalf of the Education, Children and Young People Committee.

I welcome the Committee's continued engagement in the work to keep The Promise including through the meeting with Who Cares? Scotland and care experienced young people on 27th March. The Committee's role in complimenting the cross-party support for the work underway across Scotland provides positive opportunity to both encourage and promote progress.

The Scottish Government greatly values and appreciates all the work that Who Cares? Scotland does and I would like to express my appreciation to the members who shared their experiences and concerns with the Committee. It is only through listening to the voice of the care experienced community that we can ensure the changes needed will happen to keep The Promise by 2030.

Over the past year, it has been my privilege to see first hand the great work taking place across the country and to meet care experienced children, young people and adults. This includes taking part in the annual Love Rally, meeting members of Siblings Staying Together and Connected, visiting the Aberlour Intensive Perinatal Service in Falkirk and attending a Christmas gathering of Who Cares? Members at Bute House. All of these events provided an opportunity to listen to the things that matter most to young people. A lot of what I have heard has stayed with me and is reflected directly in my conversation with officials about policy direction and areas of focus.

The progress that is being made across national and local government, across organisations and across Scotland, is encouraging. This is reinforced by the latest published statistics that show a 15.6% reduction in the number of looked after children since 2020 when the Independent Care Review concluded. We know however that these statistics cannot be viewed in isolation, but we must use these figures to guide our understanding of where progress is being made, and what areas warrant further attention.

I have always been very clear that our focus and pace must be sustained, and in some areas it must be improved. We know that there are areas where particular attention is required and I do not shy away from that fact. I am resolute that we must continue to work together to help

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meet our collective ambition to keep The Promise. Our care experienced children, young people and adults deserve to be nurtured, loved and respected and I remain fully committed to doing everything in my power to make that happen.

We will continue to remain vigilant about our work and progress. To support this, the Scottish Government will publish an update to our Promise Implementation Plan to provide a comprehensive review of the actions and commitments we have undertaken. This review is far reaching in presenting an update on activity undertaken so far and will help reassure on many of the issues raised. I will of course be happy to update the Committee when this is due to publish.

Meantime please find below an update on particular areas raised in your letter that I hope can provide recognition and a level of reassurance to members.

Engaging the Voice of Care Experience

I am determined that the voice of the care experienced community remains at the heart of all we do to keep The Promise. This summer we are conducting a number of consultations which will inform the next steps on key areas and, where appropriate, inform the legislative opportunity that is proposed in The Promise Bill. This will involve working with partners to deliver a connected package of participation and engagement with care experienced children, young people, adults, their families, and the workforce which supports them. The Children and Young People Participation Framework Agreement, launched in January 2024, will support us to lead a coordinated approach across a range of representative bodies to deliver structured engagement that is broad in geography, age and scale.

This includes:

- Consideration of a universal definition of Care Experience
- Implementing the outcomes of the work to redesign the Children's Hearing System
- A package of support for young people transitioning out of children's care services
- A national strategic approach to foster care.

This coordinated approach to engagement will also be linked to the next stage of work on Plan 24-30 and the Scottish Government are working closely with The Promise Scotland and other key partners including Who Cares ? Scotland on this.

Engagement in the right way is essential. The views and experiences shared during the Independent Care Review told us that care experienced people can often feel stigmatised as a result of how they may be approached or treated. We must work collectively to continue to promote the awareness and understanding of The Promise and alongside The Promise Scotland, Who Cares? Scotland, Barnardo's and organisations like the Each & Every Child initiative, we must work to shift public attitudes.

I note that a lot of the issues and concerns raised by the young people at your session touch on these consultation subjects, in particular the universal definition of care experience and the package of support for young people transitioning out of children's care services, Through our engagement we will ensure that their voices continue to be not just heard but actively listened to in the creation of policy and legislation that affects them.

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Resources

The impact that having a consistent, supportive, responsive social worker can have on a child or young person experiencing care is clear.

The Scottish Government fully recognises the pressures the social work workforce is under and the impact this can have on the level of care young people deserve. Relationship based practice features strongly in the values and codes of practice that social workers adhere to, and every effort is made to ensure that a child or young person has the minimal number of social worker changes for the duration of their contact.

A strong and well supported social work profession is key to this approach, and to delivering The Promise and the aims set out in the Independent Review of Adult Social (IRASC). The Scottish Government has confirmed its commitment to set up a National Care Service (NCS) within the current Parliamentary session and this includes the establishment of a National Social Work Agency. This approach aims to both support and invest in the profession by providing national leadership, raising the status of social work as a profession and considering the future needs of the workforce.

Furthermore, the National Social Work Agency seeks to address current recruitment and retention issues, improve leadership and professional development opportunities, improve consistency in service delivery and crucially, enable social workers to work more effectively with people to transform their lives and implement rights-based practice. It will create a single national body with oversight of social work education, training and professional development, and the improvement of social work services providing increased consistency across all of Scotland.

Whilst this structural change is progressing, we are working collectively with all partners to identify ways to resolve issues facing the social work profession. This is guided by a joint Workforce Improvement Plan, developed with COSLA and key stakeholders, which includes focused attention on recruitment and retention challenges facing the social work profession including, implementing workforce improvements and refining social work vacancy data to enhance increased accuracy in planning for the future demands of the workforce.

We have also formed a Joint Social Care & Social Work/Services Workforce Taskforce (JSST) which is jointly chaired by the Scottish Government and COSLA, with the aim of exploring opportunities to deliver improvements for the adult and children's social care and social work workforce. This continued joint working with COSLA allows us to consider both local and national needs and provide support to those who support our care experienced community.

Trauma Informed Engagement and Whole Family Support

The nature and understanding shown in any interaction between service providers and across the workforce is key. A trauma-informed approach can provide care experienced children, young people and adults with the vital additional support that they may need to flourish and thrive.

The National Trauma Transformation Programme (NTTP) funded by the Scottish Government is delivered in partnership with COSLA and other national partners. The NTTP provides a wide range of trauma training and implementation support for the whole

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workforce, across every sector, to develop trauma-informed and responsive services and care. This includes tailored and targeted support for priority sectors of the Children and Families workforce with a focus on care experienced children and young people.

Similarly, the Trauma Responsive Social Work Services Programme is progressing actions within their workplan with key partners, to ensure the relevant breadth and depth of trauma knowledge and skills are embedded into social work education, improve access to training and deliver a cohesive programme of implementation support and learning for the social work workforce. Key progress to date includes:

- Updated Codes of Practice for registered social services workers and their employers to ensure workers are working in a way that is informed by an understanding of the impact of trauma
- Updated Continuous Professional Learning which ensures all registered social services workers have mandatory skills and knowledge requirements on trauma awareness
- Provided trauma skilled training with follow up coaching to over 200 newly qualified social workers from October 23 – March 2024, with the offer being provided again throughout 2024, while we work to embed the necessary trauma knowledge and skills into the mandatory supported year for newly qualified social workers.
- Delivery of the implementation support and learning programme commenced in late 2023, initially with four local authorities across children's, justice and adult social work services and workforce.

More information on our programme can be found at [Social Work Services - National Trauma Transformation Programme](#).

Alongside developing the existing social work sector, the Scottish Government has again prioritised £50m funding in 24/25 for Whole Family Wellbeing to maintain the programme of activity which has been established across Children's Services Planning Partnerships (CSPPs) to improve holistic family support.

The funding is supporting the whole system transformational change required to reduce the need for crisis intervention, shifting investment towards prevention and early intervention so that families get the right support, in the right way and at the right time. In July 2022, the National Framework Principles of Holistic Whole Family support was published, to promote consistent standards of practice across Scotland which will help to deliver improved outcomes for children, young people, and families.

As set out in the Programme for Government 23/24, we will shortly publish a Whole Family Wellbeing investment approach to supporting the provision of preventative, holistic family support.

School

School was a recurring theme in the Committee session and understandably so given the time children and young people spend there and the impact it has on not just their academic but social development.

The Scottish Government is committed to ensuring that care experienced children and young people receive the vital support they need to improve their life experiences and educational outcomes. That is why we are investing £1 billion in the Scottish Attainment Challenge this parliamentary term. This includes over £520 million in Pupil Equity Funding to empower

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headteachers to take the best approaches that suit the needs of their pupils and additional funding to support care experienced children and young people's attainment and wellbeing.

Across the 2023/24 academic year, over £10 million was made available to Local Authorities through the Care Experienced Children and Young People Fund, with over £64 million invested since the fund was introduced in 2018. We know that the educational outcomes for children and young people who are care experienced are less favourable but the gap is getting smaller and we will continue to work to make it even smaller.

We are currently engaging with Education Scotland and local government to develop a long-term approach to improving the educational outcomes of care experienced children and young people in response to the Promise. This work aims to focus on improving the experience, achievement, engagement in learning and attainment of those with care experience and support their transition from education.

This joint approach aims to help schools identify opportunities to support care experienced children and young people at the earliest opportunity with a view to preventing the need for more targeted interventions. An important part of this work will be focusing on inclusive, supporting language and non-stigmatising approaches for all children and young people.

It is important to recognise that these pursuits will not be easy or a short-term task: delivering sustained, meaningful improvement for care experienced children and young people in education will require us to work together to ensure we create a person-centred, rights-based approach. A good example is the support provided through Virtual Schools across the country which is having an impact on the outcomes for pupils in certain local authorities, improving attendance and attainment.

As part of continued engagement with the sector, we have been keen to capture current and developing practice in a number of areas. Case studies, focussing on good practice such as that seen through the Promise Group which the young person at the Committee session mentioned, will help articulate the breadth of work underway across educational authorities and share learning to ensure it becomes embedded into practice across Scotland.

Alongside Education Scotland we have also co-developed a keeping The Promise Award Programme for individual practitioners and educational establishments. This Professional Learning Programme has been designed at 3 levels: individuals (I Promise Badge), and Educational Establishments (We Promise Award) and keeping The Promise Award when settings can demonstrate that their actions and approaches are having a positive impact on the educational experiences and outcomes of care experienced children and their families.

Resources are available online for schools to participate in the Programme on the [Education Scotland website](#).

Secure Care

We know that children in secure care are often very vulnerable and have experienced significant adverse experiences in their short lives. To provide the care and support that these children need and deserve, it is important that we consider how our secure care system operates overall, taking into consideration the asks from the Promise and incorporation of UNCRC.

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The Promise was clear that under 18s must be accommodated within secure care rather than within young offenders institutions (YOIs). However, it also recognised that this would change the nature and provision of secure care, so careful planning is required to cater for the diverse needs of the population.

I am delighted that The Children (Care and Justice) (Scotland) Act will give effect to the necessary legislative changes to ensure that where a child must be deprived of their liberty, this happens in a therapeutic environment where they can benefit from intensive care and support.

Alongside legislative change we have commissioned the Children and Young People's Centre for Justice (CYCJ) to lead a project designed to create a comprehensive understanding of the type of secure and intensive care which is needed to meet the needs of Scotland's most vulnerable children. This [Reimagining Secure Care Project](#) is working collaboratively with children and young people in, and with experience of secure care, their families/carers and with all relevant stakeholders who contribute to supporting children before, during and after secure care or in alternative accommodation. The project published an [interim report](#) in December 2023 and we expect their final report in summer 2024.

The demand and supply of places in secure accommodation is a complex issue. Since January 2023, the Scottish Government has been providing funding up to 4 beds in each of Scotland's 4 secure centres. The objectives of this funding are to ensure capacity for children living in Scotland when needed, whilst providing some financial stability to centres during this period of change.

During the passage of the Children (Care and Justice) (Scotland) Bill, concerns were raised about the prospect of placement of those who have been involved in serious criminal conduct and who might be perceived as posing a particular risk to other children. I was clear the Scottish Government's position is that mandatory segregation would not be appropriate. Those who cause harm to others have, almost without exception, been exposed to complex and widespread adversities throughout their childhood. Recent CYCJ [research](#) found broadly similar levels of adversity experienced by children placed by the hearings system or the courts, each facing a range of complex circumstances and often having demonstrated acts of significant harm.

Any attempts to separate children based on their route to secure care would be inconsistent with Scotland's Kilbrandon approach of responding to children's needs and deeds. It would not be evidence based - research highlights the shared high levels of need and vulnerability between 'offence' and 'care and protection' placements. English [research](#) also found that harmful incidents are low, and do not increase for 'offence' placements. The level of risk posed by individual children to other children and staff in secure accommodation was not reported to be related to whether they were on a 'justice' or 'welfare' pathway or, in respect of offence cases, to the gravity or nature of the offence.

Whatever their route into secure care, we know there may be some under 18s who require specialist supports and protections to ensure their safety or the safety of others. Whilst existing providers have the requisite experience and expertise to manage the mix of children, work is underway to establish how secure accommodation needs to be reconfigured and augmented to meet the needs of all.

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Secure Care Pathways and Standards

In October 2020 we launched the [Secure Care Pathways and Standards](#) which set out what support children should expect from professionals - before, during and after secure care placements. The standards were co-produced with children and young people in care and those with experience of care. Our partners at the CYCJ are leading work to support local authorities and secure care providers to fully implement the standards to deliver a consistent approach.

The Care Inspectorate carried out a review to consider the impact of the standards. The review centred on listening to and understanding the experiences of 30 young people across Scotland and [reported](#) in September 2023. We will continue to work with the Care Inspectorate, COSLA and other partners to understand and address any barriers to implementing these standards.

The review found that most young people felt safe when living in secure care. The high levels of staffing, the training of staff in trauma-informed approaches and the specialist support available all contributed to the safety of young people. There were a few children who experienced feeling unsafe, either due to a deterioration in their mental health or through the actions of other young people they lived with. When this was the case, these young people felt they were able to raise their concerns with staff members that they trusted, and that staff took appropriate steps to ensure the safety of the young people.

The Reimagining Secure Care project engaged with 34 children and young people in secure care and YOI. During those engagement sessions, no child expressed feeling unsafe or had any concerns relating to a potential increase in the number of 16 and 17 year olds being placed in secure care.

While I am encouraged by this feedback, I would like to reassure the young people who attended the session that I understand that their experiences may be different and I am very grateful to them for speaking about what they have gone through and will take these into future secure care considerations.

Leaving Care

The Scottish Government is committed to supporting every care experienced young person to thrive and reach their full potential. We recognise that young people moving on from care into adulthood need a broad package of financial and practical support to help them achieve this. That is why we have committed to delivering the Care Leaver Payment, a proposed one-off payment of £2000 designed to provide young people moving on from care with additional financial security. The payment will form part of a broader package of support which includes access to Continuing Care and Aftercare support for Care Leavers, the Care-Experienced Bursary and Council Tax Exemption.

The 2023/24 Programme for Government included a commitment to undertake a consultation on the support needed for our care experienced young people to flourish as they move on from care and in to independent adult living. This consultation is scheduled to launch in Summer 2024. Alongside this wide-ranging consultation, we are working with all stakeholders to consider the strengths and any areas for improvement in Continuing Care and Aftercare. As part of the first phase of this work, we will publish updated Continuing Care guidance in Summer 2024, which aims to provide further clarity to those providing and

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receiving Continuing Care.

These consultations will provide an opportunity to again hear the voice of the children and young people affected by these subjects. We will be working with stakeholders through the Children and Young People Participation Framework to ensure that they have the opportunity to provide their views.

I also understand the importance of having a place to call home and the very real difference having a solid foundation can make to people's lives, especially children and young people. The Scottish Government will continue to work with partners to progress the 'Improving Care Leavers Housing Pathways' report recommendations. We are working with the Care Inspectorate to develop and undertake a robust thematic review of the support in place for those leaving care, including housing and accommodation.

We will continue to employ a multiagency approach to ensure that all care leavers are supported through Continuing Care or transition support to independent living. The care leavers pathway sets out sensible, evidence based next steps to ensure corporate parents act on their legal and moral duties to prevent care leavers experiencing homelessness, at the point of leaving care and later, by fully implementing existing policy and legislative frameworks.

Work will progress over the Summer to consider delivery of the Pathways to date, both care leavers and youth homelessness, and to ensure that the priorities of The Promise and the needs of the care experienced population are clearly understood and considered as part of that work.

Rights and siblings

I absolutely recognise the importance of maintaining sibling relationships. The siblings legislation came into force in 2021 and since then we have been working with key partners to identify challenges and opportunities to ensure its full implementation. We convened the Staying Together and Connected (STAC) National Implementation Group (The Group) who published [their findings and recommendations](#) in June 2023.

I met some of the young people who gave their voice to the work of the STAC Group and they told me about their own experiences staying in touch with their siblings. One thing they talked about was family time with their brothers and sisters and how it sometimes felt rushed, unnatural and too much time wasted travelling. This was echoed in what I heard from young people at Bute House.

This is something we considered in our [National Practice Guidance](#) that was published alongside the legislation to support practitioners with the changes. The guidance was developed in consultation with children, young people and families with care experience, as well as practitioners and other professionals and it is full of creative examples, case studies and suggestions to use collaboration to overcome challenges.

The guidance includes a specific chapter on spending time together that focuses on children who live apart and how they must be supported to keep in touch and see each other regularly. It sets out overarching principles to ensure that time spent together or in touch is positive and meaningful. It also includes consideration of how to plan for children with complex relationships or who may not have spent time together recently. There is also advice for adults who are involved in children's care and how they can be prepared for, and

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supported in this part of their role.

However, I accept that there is still more work to be done to make sure all siblings are able to stay together and connected, where it is safe to do so.

The STAC National Implementation Group produced a Learning, Development and Leadership Framework. It sets out in three tiers, the required skills and learning outcomes for those working and caring for children which will help widen understanding of the importance that must be placed on supporting sibling relationships and the duties that are set out in legislation. We are working to embed this across the children and families sector, and wider workforce, including with carers.

We are working with key partners around how best to achieve this, including with social work education as well as exploring development of a siblings specific learning and development resource for the multi-agency workforce.

We encourage all organisations who engage with children and young people to consider incorporating this framework into their own learning and development practices; recognising the importance of children and young people maintaining connections for healthy identity, development and emotional wellbeing.

I note that the children and young people who met the Committee highlighted the importance of raising awareness of sibling's rights to stay together and connected. In this regard, we have been, and will continue to work with stakeholders including Who Cares? Scotland, Education Scotland and Young Scot to help young people understand their rights. This includes linking with work already under way across Scotland, around the advocacy offer to children and young people and the development of a children's rights framework that will help all children to be aware of and realise their rights.

Through our funding of Who Cares? Scotland's Corporate Parent Training programme, we are supporting improved awareness of the duties set out in the Children and Young People (Scotland) Act 2014. This will help to increase understanding of how to embed the recommendations from The Promise, UNCRC and how Corporate Parents' work impacts on the rights of care experienced people.

This includes local authorities who will have an increased understanding of the statutory duty placed on them by Children (Scotland) Act 2020 and the Looked After Children (Scotland) Amendment Regulations 2021 to keep siblings together when they are not able to live at home with their families, where that is in their best interests.

UNCRC (Incorporation) (Scotland) Act

The intent behind the UNCRC Act is to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland.

The original Bill was passed unanimously by the Scottish Parliament in 2021 but could not receive Royal Assent due to a referral to the Supreme Court by the UK Law Officers. An amended Bill was approved by the Scottish Parliament on 7 December 2023, received Royal Assent in January 2024 and the key provisions will commence on 16 July.

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The Act will provide legal protection for children's rights that is not currently available in Scotland, or in any other part of the UK.

We are helping public authorities to take a child rights approach in the design and delivery of services. This includes:

- A Getting Ready for UNCRC framework to assist public bodies to evaluate their approach to children's rights;
- Publishing non-statutory guidance on taking a children's rights approach in January;
- Developing a Skills and Knowledge Framework for launch in the summer. The Framework will provide a single point to access new and existing resources and training on children's rights and taking a children's human rights approach for a wide range of sectors.

I am always very grateful to have the opportunity to learn more about the lived experiences and concerns of the care experienced community. I thank you once again for sharing the views of the young people who attended the meeting, and continuing to be informed and directed by voice and experience is essential as we move collectively toward 2030. I hope that you are reassured that I will continue to listen and to do my utmost to keep the Promise. I am also greatly encouraged by the continued cross-party commitment to Scotland's care community.

If you would welcome the opportunity to meet and discuss any of the points raised or the next steps in the work underway, I would be delighted to do so.

Yours sincerely

Natalie Don