

**National Care Service (Scotland) Bill - Informal Engagement
Session
Monday 14th November**

This session was held to hear from stakeholders from a range of organisations including those working with children and young people who are experiencing domestic abuse, care-experienced children and young people, young people in conflict with the law, young carers and children and young people with mental health needs.

MSPs attending the session: Sue Webber (Convener), Kaukab Stewart (Deputy Convener), Ruth Maguire, Michael Marra and Willie Rennie.

The notes below reflect the general discussion and have been anonymised to avoid reference to specific individuals or organisations.

However, the groups of children and young people (cyp) the stakeholder was working with has been retained to provide some context to their remarks and are highlighted in the brackets below.

(Care experienced children and young people)

- One of the main challenges for care experienced cyp is it is a postcode lottery in terms of receiving support.
- This can cause difficulties if, for example, a cyp wants to move to another area to take up an opportunity (e.g. a graduate job) – as they don't know whether the specific level of support they have in their home authority will be replicated elsewhere.
- Local authorities have 'ownership' of a care-experienced cyp – this is 'our young person' – therefore if a care experienced child/young person from beyond the Local Authority moves into the area or engages with their services, they don't necessarily recognise a responsibility to that child/young person.
- Challenges in relation to independent advocacy – often designed around what each Local Authority thinks it should look like e.g. only apply to cyp in foster care, only apply to a certain age range – which means lots of cyp can be excluded.

(Mixed group of children and young people)

- There are some real challenges for throughcare and aftercare

- There's great policy/legislation – but a 'resource-deprived implementation gap' exists
- There are specific issues around children with complex needs – and cross-border placements in England
- Parents affected by poverty often have to bounce around different services in order to get support they need
- GIRFEC has shown improvements – but there is still a lack of consistency across Scotland
- For cyp affected by domestic abuse or substance abuse – the system is not compassionate enough (i.e. trauma-informed) to help them at present.

(Neuro-divergent children and young people)

- For children who are neurodivergent, there is a real resource problem and implementation gap.
- It can be challenging if you are acting as an organisation offering advice on entitlements – but then having to say that you won't necessarily get what you are entitled to – 'telling people about their rights – but knowing there is scant chance of them achieving this'.
- There is a communication gap between services at the moment – so if a cyp is in hospital, the hospital Social Worker might not necessarily interact with the community Social Worker – which may mean services are not put in place and the cyp ends up back in hospital again.
- Everyone is over-stretched – there is a recruitment crisis too – so not enough people with not enough time to help.

(Mixed group of children and young people)

- Poverty is the number one issue in terms of accessing rights
- There may not be localised provision and signposting doesn't work for some families – they prefer to be taken somewhere/supported in person.
- Families don't feel heard – Social workers are really stretched and so don't have time to listen – which can compound some families' earlier trauma.
- Stigma – there are huge amounts of distrust. Gave example of family who were criticised for not having an internet connection (in relation to not meeting their child's educational needs), but Social Work not taking into account that the family had had to prioritise food.

(Children affected by domestic abuse)

- Very disappointing that the NCS Bill consultation was gender blind – it didn't pick up that 83% of unpaid care work is provided by women.
- If you don't take a gendered approach, you also often miss the impact on cyp. Women's poverty is children's poverty.
- The care system is largely run by women, who are underpaid and often in precarious employment.
- Should look at the strategy for Economic Transformation in relation to this.
- For the NCS, there are really good intentions, but there's been a failure to tie this to women's equality and children and young people's rights.
- The biggest issue is poverty – and there's an opportunity to challenge that here.
- People also still don't understand that cyp are victims of domestic abuse too, not just witnesses (+ the impact this has on service design).

(Mixed group of children and young people)

- A rights-focused approach has still not been adopted across the system
- There is still organisational gate-keeping – and often cyp and families have to prove need in order to access services.
- This is especially true of disability, but also true of families affected by poverty – it is only when the need is acute that they will qualify for help.
- There needs to be a fundamental re-think of this.

(Children and young people in conflict with the law)

- There are different understandings of what a 'high level of risk' is in different services – and this can prove a barrier to communication.
- There are also capacity/workload issues in relation to staff – everyone is so stretched.
- Gave the example of being a social worker and working with 35 families, half of whom are involved in some way with children's justice services.

(Care-experienced children and young people)

- There is an implementation gap
- The communication should be excellent, but it's not – care-experienced cyp still don't know their rights in terms of statutory responsibilities
- Layers and levels of understanding throughout organisations vary greatly (in relation to corporate parenting duties). At the highest level [Chief Executive and Senior Management Team] there is a complete understanding but that is not necessarily the case in all teams and for all members of staff.

(Mixed group of children and young people)

- The way that services are structured just now – responsibility can shift between organisations – so in the end no-one takes responsibility.
- Gave example of young people with mental health needs, trying to urgently access support from CAMHS – but they wouldn't take them on due to their housing situation. The housing issue then became an expression of concern that there was overcrowding with two younger siblings – so that meant the family were drawn deeper into the system – and the core issue still wasn't addressed.

(Mixed group of children and young people)

- I have no informed perspective on children and young people and the NCS Bill's general principles – the devil is in the detail and I would say that a lot of the Feeley Review has been lost in the Bill.
- You can't address systemic and cultural reform by using a structural reform process where accountability is muddled
- There is talk about co-design, but this is not rooted in the Bill at the moment – there needs to be fundamental consultation for that co-design to take place, ensuring a rights-based approach and accountability.
- You can't have strategic decisions at national level, with implementation at local level like it is just now, it isn't working.

(Children and young people in conflict with the law)

- We haven't been given a full appraisal [*of what the Bill will do*]
- I'm not sure it meets the Promise either

- Our members were against a centralised organisation – they didn't feel it would improve services
- Information on the Bill is so bare [*so it is difficult to judge how it will work*].

(Children and young people affected by domestic abuse)

- Links to Minimum Income Work Group
- It's important to avoid binaries – it's not a yes/no answer to a national structure
- If we want to eliminate the postcode lottery we may need a national approach
- Culture is about reality – the biggest problem for cyp, in receiving services from those that are over-stretched, is that it downgrades cyp's needs.
- We need to connect things up strategically.

(Mixed group of children and young people)

- There is a risk of fragmentation post-creation of an NCS – e.g. in relation to current links with housing/education
- Part of the explanation of poorer outcomes in current systems is that we ask people to count the wrong things and that drives behaviour – rather than focusing on the difference that a service makes to an individual's life.
- E.g. in efforts to address the poverty-related attainment gap – we've spent money in schools, but we didn't invest in families
- Taking a rights-based approach would take you straight back to the child – that is the radical thinking we need around making proper change.

(Neurodivergent children and young people)

- People understand their right to a health service, but social care still carries a stigma
- Not sure that previous integration has helped with this – there is still work to be done.

(Children and young people affected by domestic abuse)

- I worked for a local authority when previous integration came in – what it did was change the labels, but it didn't pool budgets.

- It was a post-code lottery – where people were genuinely wanting to work towards integration it helped, but for others it was tokenistic.

(Mixed group of children and young people)

- I would be kinder to Integrated Joint Boards – where there have been real efforts to challenge the silo working and it has helped.
- There is a model there that works and a community approach can be positive (e.g. in relation to older people)
- It's unfair to just look at the structures without understanding the context – we had austerity measures on a UK-wide basis, so we didn't have enough to invest in services
- There has been under-resourcing of social care for years and years.
- Structural change carries risks of further fragmentation.

(Mixed group of children and young people)

- Decision-makers need to be aware that education and care are currently going through major change
- It is a really challenging period – how will a National Care Service complement this and how will it make sure that cyp are not lost
- Will a National Care Service ensure children's services have a parity of esteem with adult services?

(Children and young people in conflict with the law)

- There has been work done recently re co-designing justice services
- What's needed [*in relation to successful co-design*] is the buy-in of most senior officials – and a willingness on their behalf to cede some power to a group of cyp.
- It's not a simple process – support needs to be wrapped around cyp to help them make a decision around centralised vs localised services.
- [*A co-design process*] requires trust and credibility of their views – so that the process backs up what is heard from cyp and then comes to a firm conclusion.
- Good co-design should be done as early as possible in the process – it shouldn't be about rubber-stamping a decision made months ago – almost always by white, middle class adults.

- Groups we worked with gave their views [*on a National Care Service*] based on very limited info.

(Children and young people affected by domestic abuse)

- We've done a lot of participation work with cyp
- Some arms of the Scottish Govt are now getting their heads around participation – e.g. the victims' taskforce
- Participation work needs to be put in the context of the UNCRC (Article 12) – when designing, implementing and evaluating change.
- There is an ethical guide to participation – which involves allowing sufficient time, paying people for their time.
- If you resource [*participation work*] properly, it will improve things.

(Neurodivergent children and young people)

- Accessibility must be taken into account in any consultation – it needs to be understood that different cyp have different communication needs and will require support to take part.
- It is evident from this group [*taking part in informal session*] that there's a lot of expertise in the third sector already – there's no need to parachute in professionals to carry out this work.

(Care-experienced children and young people)

- The idea that we have to treat everyone the same is a misunderstanding of the concepts of equality and equity.
- Not everyone is coming from the same starting point – the place we hear that the most is when people are accessing mental health services.

(Mixed group of children and young people)

- [*In relation to the NCS Bill*] I don't know what is being proposed and where children's services would fit
- We have already carried out the Independent Care Review – those are the areas for review (and the Christie Commission did that before as well).
- Politicians need to work differently – there shouldn't be conflict between COSLA and the Government – we need to work collaboratively

- There should be a dialogue around what are the key principles of a National Care Service
- replicating an NHS management system is not the answer. While the NHS is a great organisation, there are fault lines in that system and I don't think we should copy it over.

(Children and young people in conflict with the law)

- It's not clear whether secure care would fall under the NCS Bill
- The commissioning of secure care could potentially be improved under the NCS, but with some caveats
- Gave example of children currently having to go to Polmont if not secure care places available – but there's limited detail in the consultation.

(Mixed group of children and young people)

- Meaningful co-design also means ensuring you've acted on what you've already heard (linking back to the Independent Care Review).

(Young carers)

- There is an opportunity to improve the situation for young carers in the Bill
- However, 'sufficient break' isn't defined in the Bill
- In the Financial Memorandum, there is no funding allocation for replacement care [*when a young carer is accessing a break*], but there is for adult carers.
- The Financial Memorandum also uses historical figures for the number of young carers – which are likely to be a significant under-estimate.
- There are capacity issues in relation to short break services – so risk that this could be a 'right that couldn't be lived'.
- No real clarity in the Bill – welcome the inclusion of a right to a break, but need to make sure young carers are included.
- We 'need investment or it will just be a right on paper'.

(Young carers)

- Carers still don't know what services and support are available – this acts as a barrier.

- There has been a significant increase in demand on local carer services since Covid.

(CYP affected by domestic abuse)

- There is a massive opportunity for structural change
- One consultation response talked about the importance of investing in the care economy/infrastructure – we should consider it as human capital.
- If we invest in the care workforce we will get more back.

(Mixed group of children and young people)

- There is a real need to reform how we do social care – needs to be more joined up and rights-focused
- The concern is that if we jump to a solution, we risk causing more harm than good
- Any reform needs to recognise the Fair Work Agenda and Equal Pay
- It also needs to take a rights-focused approach
- We need to be more explicit about what we mean by ethical commissioning
- We need to pause to consider these issues and then we might come up with a different construct.

(Young carers)

- *[CYP need to know]* who is accountable for upholding their rights
- The NCS could mean clearer accountability, but only if there is a meaningful Charter of Rights and Complaints process.

(Neurodivergent children and young people)

- It is very important for cyp to have access to advocacy – not in a postcode way as it is at the moment.
- We need to prioritise this in all the services we design.

(Mixed group of children and young people)

- We need to recognise the role of the third sector in service delivery
- There is an important link between relationship-based practice and reducing stigma

(Care-experienced cyp)

- Current advocacy arrangements can exclude so many people – especially due to arbitrary age cut-offs.
- Transition points can mean massive gaps for care-experienced cyp
- Corporate parenting should last up to 26 years old

(Children in conflict with the law)

- There is uncertainty as to whether children involved in the justice system will come under the NCS
- Children may receive a fragmented approach due to current arrangements – e.g. 16/17 year olds.

Clerks
Education, Children and Young People
15/11/22