

13 July 2023

Ms Stevenson MSP
Social Justice and Social Security
Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Via Email - SJSS.committee@parliament.scot

Dear Ms Stevenson,

Thank you for your letter of 22nd June 2023 following up on the progress being made by local authorities and COSLA on the recommendations in the Committee's Kinship Care report, published in September 2022. Jane O'Donnell, COSLA's Chief Executive, has asked me to respond on her behalf.

COSLA, and our 32 member councils, have fully committed to delivering the change required for Scotland to Keep the Promise. A wide range of work, including service and policy redesign and transformation around how local authorities engage and make decisions with children, young people, and families, is underway, and progress is being made. Local Government shares the vision, and remains dedicated to ensuring, that Scotland's children grow up loved, safe and respected.

COSLA remains engaged in the work of the Kinship Care Collaborative and continues to work with partners across the sector to improve the support and experiences of children and young people in kinship care and their families.

I have addressed the recommendations you requested an update on below:

Paragraph 34:

"We were disappointed to hear that some local authorities may be using a narrow interpretation of what 'at risk' of being looked after means when deciding if a kinship carer is entitled to local authority support, essentially requiring a family to be in crisis rather than taking a preventative approach. The Kinship Care Collaborative should work as a matter of urgency to clarify guidance on this matter so that the interpretation of the provisions aligns with the Scottish Government's stated policy aim of getting it right for every child. The Government's response to this report should either provide a substantive update on this matter or a timeline for providing a substantive update to us."

- A subgroup of the Kinship Care Collaborative is currently working to update the guidance referred to by the committee and a copy can be shared once finalised. The guidance group is focusing particularly on clarifying definitions such as 'at risk of becoming looked after', given the current guidance is open to varying interpretations.

The subgroup includes Scottish Government, Social Work Scotland, SOLAR (Scottish Local Authority Lawyers & Administrators), and CELCIS. It will report to the Collaborative.

Paragraph 49:

"In the meantime, there should be renewed effort to ensure full transparency about what kinship carers are entitled to in each local area. Local authorities should make greater efforts to ensure this information is easily available to the public. This should be clear about if and how entitlements differ between different types of kinship arrangement. We will review progress on making this information available in six months."

- Local authorities regularly review the content of their websites to ensure it provides clear information about the support kinship carers are entitled to, along with engaging directly with representative groups and individual carers and families to both provide them with that information and understand how better to publicise it.

Paragraph 50

"We are disappointed that at this point in 2022, there is still no clarity over when the Scottish Recommended Allowance will be introduced. The Government and COSLA must redouble their efforts to resolve any outstanding issues, including resourcing, and introduce the Allowance as soon as possible. In responding to this report the Scottish Government should provide further details of the planned work and timescales for achieving this. We will continue to monitor progress in this area and will review what progress has been made within the next twelve months."

- Local Government shares the disappointment of the Committee regarding the lack of clarity over timescales for the Scottish Recommended Allowance, however constructive discussions are ongoing, and progress is being made. This includes Scottish Government identifying the quantum available to deliver on the allowance and a commitment to an annual discussion on uprating of allowances. COSLA has been clear that in the context of ongoing budget pressures across councils as a result of successive real-terms cuts to core Local Government funding, any increase to allowances due to the national policy commitment will need to be fully funded by Scottish Government to be deliverable. Additionally, given the varying needs and costs across Scotland, local flexibility must be retained.

Paragraph 63:

"We are concerned to hear that the reported lack of awareness of kinship care among local authority, DWP and Social Security Scotland staff may be leading to kinship carers receiving incorrect advice or payments. We urge the Scottish Government to work with the UK Government and COSLA to ensure that all central and local government staff advising kinship carers on benefits or allowances are aware of the range of different kinship care arrangements and have access to clear, easy to follow guidance."

- Kinship care has been part of the provision of alternative care in Scotland for many years and the legislative landscape within which local authorities work requires consideration of placement with relatives before formal stranger care is considered. The benefits of maintaining children within their extended family network is well evidenced and numbers of kinship placements have gradually increased over the past 10 years.
- Local authorities are continually working with their social work teams, financial inclusion advisors and partners to increase the level of understanding of the complex interactions between the social security system and the entitlements of kinship carers

and families. Clearer advice is now available on the Kinship Care Advice Service Scotland (KCASS) website and via organisations such as the Child Poverty Action Group (CPAG).

Paragraph 75:

"There should be clear guidance for local authorities on the holistic support that should be available to all kinship care families, recognising the challenging and complex circumstances that may have led to a kinship care arrangement. This guidance should recognise that as well as support for children, carers themselves may need support in dealing with the impact on their own wellbeing of their kinship care role."

- This aspect of support to kinship carers is covered in the guidance and greater clarity around this will be a focus of the update currently underway. The importance of ensuring that kinship carers themselves are supported in order that they can support the child in their care is acknowledged as vital. Family support (including kinship families) is a key focus for local authorities in line with the Promise, and in some areas use of Whole Family Wellbeing Funding is aiding this. Kinship carers are also eligible for a carers assessment and plan where they are caring for a child with additional needs.

I hope this letter serves as a useful update to the Social Justice and Social Security Committee.

Yours Sincerely,

Laura Caven

Chief Officer – Children and Young People
Convention of Scottish Local Authorities