



**Barnardo's Scotland response – Scottish Parliament's
Education and Culture Committee inquiry into decision
making on whether children should be taken into care**

Barnardo's Scotland is a national voluntary organisation and works directly with more than 10,000, children, young people and their families in over 98 specialised services in local communities across Scotland which cover fostering, parenting, substance misuse, offending, homelessness, and abuse.

We currently provide a range of services throughout Scotland that work with and support looked after children and care leavers. This includes our 16+ services, residential units, as well as our Fostering and Adoption Services, which have bases in Aberdeen, Dundee, Edinburgh and Glasgow.

Our response to this inquiry is drawn from the experience of the staff and managers that work in these services and deal with many of the issues relating to permanency on a daily basis.

1). Are decisions made on the basis of a clear, fully developed and agreed evidence base that demonstrates what is most effective for children and their families? Do all those involved in the decision-making process share common standards of training, knowledge and practice?

From our experience, we do not believe that decisions are always made with the required evidence base needed. There is a great deal of inconsistency in how evidence is gathered across local authority areas. It is usually not systematically captured or recorded in a meaningful way. Evidence is often subjective and not objective. As a result the quality of report writing to children's panels is considerably varied, which can make consistent decision-making difficult. Many reports used are not truly evidence based.

There are also issues around how the evidence gathered and used for an initial assessment to remove a child is then used later in the process. In our experience we have found in some instances that if a child is removed from a home temporarily then the assessment process starts over again with no accounting for the pre-removal evidence. This is often tied in with an overly optimistic determination to re-unite the family that can lead to a child being returned to a family home, which will almost inevitably break down again or lead to a delay in decision making for permanency.

Evidence gathering should be continuous and include pre-accommodation, the period of accommodation and post accommodation (whether returned to birth parents or moved into permanent foster/adoption placement). All evidence must be considered at every decision-making point.

Local authorities and the Scottish Government must also collect more robust data on the decision-making process. There is currently no nationally aggregated data or evidence routinely collected or reported. Such information would certainly help us understand where there are differences and inconsistencies across Scotland, and potentially identify areas of good practice.

A significant factor that leads to inconsistencies in the removal process comes as a result of the risk assessment tools used by local authorities.

Currently risk assessment relating to whether or not a child is removed from the home is carried out at a local authority level with local authorities having their own assessment processes. This has led to a great deal of inconsistency in this process across Scotland.

As part of the assessment process we are concerned that there is too much of a focus on the adults and their needs/rights. In many local authorities we believe that assessments need to be centred more on the child. We have witnessed an 'over optimistic' approach towards maintaining the family setting and putting the wishes of the parents over the needs of the child, particularly when evidence might suggest a different approach is necessary.

Barnardo's Scotland would recommend that the Scottish Government consider introducing a system more akin to the Criminal Justice system where a strict protocol exists for risk assessment which is based on outcomes from research and results. If such an approach were applied to children's services it may result in a clearer and less subjective approach to decisions to remove children and make decisions regarding permanency more robust.

We believe that there needs to be a national assessment framework used by all local authorities for decision-making on removing a child from home, as well as national guidelines to support the framework with details on evidence that needs to be gathered and standards of reporting.

Training to support the introduction of a new framework would also be necessary to ensure consistency of evidence gathering and

reporting by all those workers involved in the decision-making process.

We have also experienced inconsistencies and concerns regarding parental risk assessments. There are general guidelines – but there are definitional issues over what makes good and bad parenting. Local authorities do their own assessments, and use locally developed materials which can contribute to inconsistencies. We have also heard of occasions when such assessments have not been carried out or that previous assessments have been overlooked due to a change in social worker, which may result in a child being returned to the birth parents, when there is still a risk to the child's wellbeing/development.

Training and development

We have also experienced a number of concerns regarding newly qualified social workers and the skills they bring to the role. Far too many newly qualified social workers are not equipped to deal with the complex issues and challenges surrounding children in care.

Universities play a crucial role in preparing social workers. We believe they need to review their courses and academic programmes to ensure that they are properly preparing social work graduates for all the eventualities that they will have to work with.

2). Is there consistency in decision-making across the country? To what extent are decisions on whether to remove children influenced by resource constraints or any other barriers?

Barnardo's Scotland believes that all too often the issue of resource plays a significant part in the decision-making process. The approach taken by many local authorities in practice sees budgets and resources take precedent over the best interests of the child. Removal is often seen as the most expensive option, particularly removing a child and placing them into residential care, and so is often taken as a last resort. Our experience shows that the longer it takes to make a permanent decision the more detrimental it can be to the child's long term future and outcomes, including health, wellbeing, education, employment, and justice. Dealing with these outcomes will ultimately cost local authorities and government significantly more to resolve than the initial removal.

Being left in complicated and damaging home environments can lead to serious attachment issues, complex and challenging behaviour, which requires intensive work and support to address.

We have experienced children as young as three suffering from these problems as a result of being left in a poor home environment for too long. Considering the importance of the early years, pre-birth to three years, in a child's development this is unsurprising, and points clearly to the need for early intervention to be at the heart of the decision-making culture.

The earlier a decision is made to remove the child, the better the outcomes in the long term, and ultimately the more cost effective for the state, as it prevents more costly interventions being required.

However, if we are to remove children from their parents then we have to be confident that the alternatives available are better.

The fostering resource in Scotland is too small, largely due to the small numbers (3-5%) of applicant foster carers who go on to be foster carers. There are also not enough people coming forward to be considered. More needs to be done to recruit and support foster carers. Foster carers can not work full time and receive a foster carer's fee. The Government should consider paying foster carers 52 weeks of the year, even if they are not fostering, as this would encourage them to remain in foster care and not return to work to meet the shortfall created as a result of not receiving their foster's fee.

Kinship care is a more commonly used care option in Scotland than it is in England and the results can be good. However, there is an issue with inconsistency of payments across Scotland and how these inter-relate with the benefits system. There are also real difficulties about the boundary between informal kinship care and formal kinship care. We hope that these issues are addressed as part of the new Children and Young People Bill.

We are also aware of a number of cross border issues and responsibilities with local authorities, which are mainly as a result of resource issues. Local authorities are not prepared to pay significant amounts to other local authorities to support looked after children from their areas using the other's services. The Scottish Government should consider introducing a national resource to support the education needs of looked after children, which would help prevent some of these cross border problems.

Local and central Government must review the resources that are available to support the decision-making process and ensure that adequate resource is available to allow for decisions to be made

that are in the best interest of the child. A culture of early intervention must be at the heart of this process.

There are also inconsistencies in what support and interventions are given and made by social workers to families at risk. There needs to be way of identifying and sharing examples of good practice, as well as poor performance. We have often seen evidence of poor planning and a lack of clarity over roles.

Part of the problems faced by the system comes as a result of an inconsistent implementation of GIRFEC across local authorities. We hope that this will be addressed as part of the upcoming Children and Young People Bill.

However, we have noticed the beginnings of a cultural shift: planning is starting to take place earlier and many more children are starting to be placed earlier for adoption. This is the right way forward and must be embraced by all.

We need to support Children's Panel members to make difficult decisions about reducing contact where it is clearly not beneficial to children and only serves to further damage their emotional attachments.

The Scottish Government should explore how this cultural shift can be nurtured and whether there is a role in the new Children and Young People's Bill to enshrine it in law and ensure that it is consistently applied across Scotland.

3). Can general assumptions ever be made about fitness to parent or must each situation be fully assessed on its individual circumstances? Are there any particular parental risk factors, for example drug or alcohol misuse, that would create a presumption that a child should be removed? To what extent are there differences of opinion among relevant bodies about what constitutes fitness to parent, for example, in relation to parental neglect?

The interest of the child should always be the centre point of any assessment. Barnardo's Scotland does not believe that using generalisations is appropriate. We do believe that profiles can be used to identify those at higher risk, such as parental alcohol and substance misusers. However, ultimately each case must always be judged on the individual circumstances.

We believe that sometimes the lifestyles that surround issues are more of a concern than the issues themselves. It is crucial to

understand the lifestyles surrounding those with drug and alcohol addictions and issues, and then develop appropriate interventions.

The support offered and given to families where the decision not to remove a child is made, must be significantly increased. We believe that there is also not enough social work to support families at risk. This means that families are struggling to make the progress they need to improve family life and ensure the child/children can remain with them. There needs to be much greater, round the clock support for these families. In our experience there is currently little by way of evening and weekend support available for families. Families need support at all times of the day not just during office hours.

Support for families when a child is returned must also continue. From our experience many families face a cliff edge of support once child is returned home, as the family is often left without any additional support. Additional support at this time can be crucial as it can help families continue the progress they have been making and ensure that previous issues do not re-emerge.

Ongoing support must also be accompanied with monitoring of children that are returned to their families, as this, in our experience, is currently far too inconsistent.

4). What evidence is available to demonstrate that children who are removed from the family home, whether temporarily or permanently, enjoy better outcomes than they otherwise would have had?

There is some evidence that those in stable foster placements do enjoy better educational outcomes than their looked after peers, but they still fall far behind all other children in educational outcomes. We highlighted many of these issues in our written response to the Education and Culture Committee's inquiry into the Educational Attainment of Looked After Children in October 2011.

We know that some of the worst outcomes occur when children are removed from their families and then end up in a cycle of failed reunifications and short-term or emergency foster care. It is crucial that we challenge both moves in care and moves between care and the family. We need to be more prepared to start exploring permanent solutions at an earlier stage.

The age of removal is crucial. The later they are accommodated, the worse the outcomes. The earlier the decision and the younger the child the more chance they have of achieving better outcomes.

Barnardo's has seen children as young as three suffer significant emotional and developmental damage as a result of been left with their birth parents for too long.

Many of the reported outcomes on attainment do not factor in the age at which the children was accommodated so seem to portray poor outcomes when in fact the damage was done prior to them being accommodated and the lack of time being available to make up for the many previous years of neglect. For those children who are accommodated an earlier age their attainment shows an immediate improvement particularly when additional resources are available in the early stages to assist in filling the gaps that the child has because of missing vital stages in their early education.

Some of the children's behaviour is so challenging that it becomes very difficult to place them with mainstream foster carers, and require specialist care.

5). How are decisions made on whether a child, once removed from the family home, should be returned to that home, or removed permanently? Is the speed of decision making appropriate?

As set out in our response to question one, far too often previous evidence used to remove the child from the birth parents is then discarded or not given due consideration. This can lead to new evidence been drawn up and developed. This can result in significant delays in a permanent decision being made, as new evidence is gathered.

From our experience, in many of cases we have worked with social workers whose initial assessment would indicate that it would be unlikely that the child would be ever able to return home. They know from their work with the family and the assessment they have made that the parents are probably incapable of putting the child's needs before their own. However, there is a propensity within the system to have an overly optimistic approach to reuniting the child with the family, which often leads to further break downs.

We also believe that once a child is removed, albeit temporarily, from the birth parents then future decisions regarding permanency often get delayed, often as a result of planning drift. It would appear to us that children removed from their birth families become lower priorities when they go into the care and the urgency surrounding their case is lowered. In many instances we believe this can be as a result of competing resources. We believe that if a permanency plan was in place as soon as possible with clear

immovable timescales with outcomes then matters would improve considerably.

Often delays can be as a result of legal issues, which are particularly slow. The Scottish Government should use the forthcoming Children and Young People Bill to review all the legal factors that can influence a permanency decision and consider options to fast track this process.

6). Where a child has been returned to the family home, what type of support is most effective in ensuring that the child will enjoy greater stability and security?

Support needs to be there for the family once a child has been returned home.

Barnardo's Scotland believes that crucial to this is the development of a meaningful and positive relationship between the social worker and the family. From our work in this area, we often experience distrust between the social worker and the family, largely as a result or threat of the removal of a child from the home. Support from social work is crucial at this time and we must examine ways to make this relationship work more effectively.

For children returning to the birth parents from foster care, a formal role should be considered for the foster carers who are usually at this point removed from the child/children's lives.

The Scottish Government should consider setting up some form of transition support involving the foster carers for families where the children are returned home.

This could include paying foster carers a fee for a mentoring role to support children being returned to their birth parents for a short period. This should be a formal arrangement and built into the care plan. Often a child is returned to their birth families with no further contact with the foster carers. From our experience children that have spent time in stable foster care can come to have new expectations from their birth parents when they are returned. This is as a result of living in foster care with positive parenting experiences. It is important to involve the key adults in a child's life, which should include foster carers after a child has been placed with them. Foster parents can support the birth parents with positive parenting examples. There should also be an expectation that if a placement has lasted more than 6 months that there should be a period following the return home that the foster carer is paid a retainer in case the situation quickly breaks down and the child

needs to return to care, for example, a week after 6 months; 2 weeks after 9 months; 3 weeks for a year. This would allow the carer to be free to support the family after return but also not be blocked with another child should the situation not prove tenable.