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## THE GOVERNMENT'S RESPONSE TO KENT REPORT ON CHILDREN'S SAFEGUARDS REVIEW

### Foreword by The Minister for Children's Issues

The need to safeguard children from harm and abuse is of the utmost importance. This is particularly the case when children are looked after away from home. Children who, for whatever reason, cannot stay in the family home require the highest standards of care possible. They are entitled to expect no less. This response to the Children's Safeguards Review by Roger Kent sets out the Government's proposals for improving the quality of care for such children.

There is no doubt that the implementation of the Children (Scotland) Act 1995 is making a positive impact on services for children looked after by public authorities. There is, however, no room for complacency. The Act is but the beginning, the start of a process of development. We must work continuously to raise standards and to improve services.

I have already indicated that there will be a national strategic framework for children's services and the development of national standards. An essential building block in this framework is local authorities' children's services plans. The first plans have recently been produced and present an opportunity to set and review progress towards strategic outcomes for children's services. A new National Committee on Care Standards is being set up.

Adequate services for children cannot be delivered without taking account of their health and educational needs while they are living away from home. Individual care plans are already required to include plans for the child's health and education. Strategic outcomes will include the educational achievement of such children.

We also want to ensure that the people who work with children in residential settings are carefully selected and trained to the highest standard possible. Staff selection processes must be rigorous if they are to prevent unsuitable persons getting access to children. We are already piloting a more rigorous approach to selection. As part of the process, social work, education and health authorities may check if an applicant for a position which gives substantial access to children has any criminal convictions. We now intend to add to this by establishing a statutory consultancy index which will allow authorities to obtain non-conviction information of a kind which would suggest that an applicant is unsuitable to work with children. We will bring forward proposals for legislation to establish the index at the earliest opportunity following consultation.

We shall be consulting shortly on arrangements for a new regulatory body for social work staff including residential child care staff. We shall issue a White Paper on this new body and on a new independent regulatory body for services next year. We shall bring forward legislation quickly thereafter.

Our aim is to reduce the number of children in public care living in a residential setting and to expand the availability of foster carers, thereby increasing the number of children living in families. Children living away from their families should have the same level of protection as children living in residential settings and therefore we propose the inspection of foster care services.

The outcome of the comprehensive spending review ties resources to our proposed reforms.

Extra resources totalling £36.7m over the next 3 years will be made available to improve children's services. Grant will be awarded to local authorities on the basis of agreement that it will be directed towards specified purposes including implementation of key proposals arising from the Children's Safeguards Review. Specific funding for the Review will amount to £15m over the same period. However there will also be extra money for expansion of fostering provision together with improvements in residential care. Taken together these will address concerns relevant to the general issues identified by Roger Kent about maximising the quality of care for children looked after by local authorities. The detailed arrangements for allocation and distribution of the new resources will be the subject of consultation with CoSLA. The additional funding will come onstream from 1 April 1999.

At the heart of these proposals for reform are the children themselves. We have noted their views on the Children's Safeguards Review and as a result will ask local authorities to consider the increased use of Children's Rights Officers and Who Cares? Scotland Young Persons Workers.

This response underlines our commitment to improving the quality of services for children being looked after. It sets out our priorities for the future development of those services and reinforces our aim to create a safe and nurturing environment for some of the most vulnerable children in our society.

**SAM GALBRAITH**

5 November 1998

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## **THE GOVERNMENT'S RESPONSE TO KENT REPORT ON CHILDREN'S SAFEGUARDS REVIEW**

### **Summary of Key Findings**

#### **Child Protection**

The Kent Report made recommendations about the adoption of a standard system for child protection statistics, an enhanced role for child protection committees (CPCs) and the information which CPCs' annual reports should contain. Most respondents were broadly supportive of these recommendations.

#### **Government Response:**

- Improved data collection for child protection purposes and children's services generally is currently underway.
- There will be a review of Child Protection Committees to examine their function, role and accountability.
- New guidance on inter-agency co-operation in child protection is being published concurrently with this response to the Kent Report.

#### **Independent Scrutiny**

Kent makes an extensive number of recommendations about increasing the number of external persons or office-holders to act as advocates or befrienders for children living away from home.

The consultation Responses show a marked degree of opposition to multiplying the number of "outsiders" likely to descend on children's homes or other residential settings. The advocacy body for children "Who Cares? Scotland" were particularly concerned that this multiplication of external scrutiny might not be particularly effective and could create a "goldfish bowl" effect for children who may have already experienced disruption and distress.

#### **Government Response:**

- There should be greater consistency across Scotland in terms of advocacy services for children.
- It is recommended that all local authorities should consider the appointment of Children's Rights Officers and support a Young Persons Worker from Who Cares? Scotland to discharge this function. Consideration of an increase in section 10 grant to Who Cares? Scotland to allow increased activity by Development Officers is a priority.

#### **Recruitment, Selection & Vetting of Residential Child Care Staff**

Kent makes a number of recommendations designed to eliminate the risk of unsuitable adults being recruited for work with children. He identifies the absence of a Consultancy Index holding non-conviction information as a weak point in the Scottish arrangements.

### **Government Response:**

- The Government supports the creation of a statutory Consultancy Index in Scotland as part of the package of measures to be proposed for early action to the Scottish Parliament, in line with Recommendation No 27 in Lord Cullen's Report on the shootings at Dunblane primary school.
- A forthcoming Consultation Paper will set out the proposed role of the regulatory body with disciplinary powers over social workers and residential child care staff.
- The Government is committed to central funding of the Perth and Kinross staff selection scheme with funding of £94,000 over 3 years.

### **Training of Residential Care Staff**

Kent makes a number of recommendations aimed at improving the quality of pre-qualifying and in-service training for residential child care staff and other professionals who work with children and young people in a variety of settings including residential homes and independent schools.

### **Government Response:**

- The Minister has already announced in his 7 point plan to the ADSW Conference, that there would be a new central initiative to provide training in residential child care. A specification will be issued shortly and applications invited. The new arrangements will be funded from the money currently provided for residential child care training through specific grant. This will in future be administered centrally.

### **Registration and Inspection**

Kent makes a series of recommendations designed to tighten up the registration and inspection arrangements particularly for the local authorities' own establishments for children. He wishes to see greater standardisation in the inspection process and better linkage between national and local inspection functions. He recommends that foster care should be brought within the inspection arrangements.

### **Government Response:**

- Future arrangements for the regulation and inspection of all social work services will be addressed in the forthcoming White Paper.
- The new National Consultative Committee for residential establishments for adults and children will set national guidelines on quality of care standards.
- Inspection of independent fostering services by local authorities should take place. This will require a

change in the legislation.

- The Scottish Office already participating in development of national standards on foster care with a GB working party to report by the end of the year.
- Joint co-operation already exists between Social Work Services Inspectorate and HM Inspectors of Schools. At present it is possible for SWSI to assist HM Inspectors of Schools in inspections of the welfare of residential pupils and such collaboration has already taken place.

## **Interface with Education**

The Kent Report identified some differences in approach as regards the inspection of care and welfare at educational residential schools, including boarding schools. He recommended that there should be joint inspections every 3 years for both the education and care/welfare of children and young people there. He recommended also that the Education Act 1980 should be changed to provide a new ground for de-registration of independent schools where they had failed "to provide adequately for the child". He recommended that inspections of boarding schools should be undertaken every 3 years. Kent commented on the loss of educational opportunity experienced by children looked after by local authorities.

### **Government Response:**

- There will be 5 year frequency of inspections of boarding schools by HM Inspectors of Schools, with follow-up visits within 2 years to evaluate progress in implementing the recommendations in the inspection report.
- Local authorities' procedures in relation to their statutory requirements to register and inspect residential establishments, at least yearly, will be clarified and reviewed along with HM Inspectors of Schools' inspection arrangements. HM Inspectors of Schools have produced, in collaboration with practitioners and local and national organisations, support materials to foster and encourage a culture of self-evaluation in schools and residences to help staff improve the care and welfare of young people.
- New arrangements for care and welfare inspections by HM Inspectors of Schools to handle matters of concern in both mainstream and residential schooling was announced in June.
- The educational attainment of children looked after by local authorities will be included within the forthcoming work on the development of a national strategic framework for children's services.
- The Looking After Children Project will move from the piloting to implementation phase in 1999. This gives particular attention to addressing the educational needs of looked after children.

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## THE GOVERNMENT'S RESPONSE TO KENT REPORT ON CHILDREN'S SAFEGUARDS REVIEW

### Detailed Response to Recommendations

#### Child Protection

##### *Recommendation 1*

*National Statistics must be gathered from a common format of Child Protection Registers. The recommendations of the Working Party of 1992 that reported on Child Protection in Scotland Management Information should be implemented in a standard way across Scotland.*

##### *Recommendation 2*

An Annual Report must be made to the Secretary of State by the Child Protection Committee of all child protection activity that includes specific comment on children living away from home.

##### *Recommendation 3*

*There should be studies of the aetiology of the abuse of children living away from home and research into abuse in foster care.*

#### General Views from Consultation

There was broad agreement that there is a need to gather national statistics in a common format across Scotland. Respondents also supported the need for annual reports to the Secretary of State by Child Protection Committees to contain certain specific information. Recommendation 3 was also supported, with agreement that meaningful research in this area is needed.

#### Government Response

It is accepted that there needs to be a standard system for the collection and publication of child protection management information. However it is not considered that the child protection register provides a suitable source of information for this purpose. A general review of management information collected and published by Social Work Services Group is underway and the question of a standard system for child protection statistics to be adopted throughout Scotland will be addressed as part of that review. (Recommendation 1)

Recommendation 2 that Child Protection Committees' annual reports must be submitted to the

Secretary of State and that the reports should include specific information, is accepted and will be followed up as part of the review of Child Protection Committees (see Recommendation 53 - "Investigation and Monitoring").

Recommendation 3 is accepted and will be followed up with The Scottish Office Central Research Unit.

Revised inter-agency guidance on child protection - "Protecting Children: A Shared Responsibility" - is being published alongside this response.

## **Support for Children**

### *Recommendation 4*

*Complaints procedures should be more child and parent friendly. SCIS should launch a model complaints procedure and distribute it to all their member schools.*

### *Recommendation 5*

*Staff, particularly care staff and teaching staff, should be trained in handling complaints. Where a child makes a serious complaint they must have support and be informed of the outcome of their complaint by the person who investigated it.*

### *Recommendation 6*

*All establishments must maintain complaints logs which are reviewed by external managers. Complaints should be summarised and monitored statistically in terms of the types, source and outcomes. Trends should be noted and investigated. Records of complaints, including those in secure units, must be provided to Inspectors for monitoring.*

### *Recommendation 7*

*The availability of ChildLine should be increased by way of increased Scottish Office grant in the expectation that that would attract more money still. Who Cares? should be retained and the level of grant should be maintained at the present level.*

### *Recommendation 8*

*The help of Children's Rights Officers should be available to all children living away from home not exclusively the looked after population alone. Central Government should consider a nation-wide network of children's advocates. Funding should be made available to provide a number of people to be spread across Scotland and supported.*

### *Recommendation 9*



*Steps should be taken to promote the risk and danger components in personal and social development curriculum in schools.*

### General Views from Consultation

There was general support from respondents that complaints procedures should be more user-friendly and agreement that all establishments must maintain complaints logs. The importance of staff training in handling complaints was also supported. Responses to the consultation however showed opposition, as they also did in relation to the recommendations on external eyes (Nos. 43-51), to multiplying the number of outsiders having a role to play in support of children and children's homes or other residential settings.

### Government Response

A Scottish Office Complaints Procedure Working Group is currently looking at tightening guidance for local authorities on complaints procedures, specifically in relation to children looked after away from home. SCIS have started work on a model complaints procedure and expect that it will be ready for circulation to their member schools towards the end of the year.(Recommendation 4).  
Recommendations 5 and 6 are accepted.

Social Work Services Group section 10 core grant to the organisation ChildLine has already been increased by way of a £5,000 additional grant in 1998-99. In addition EID have awarded the organisation a further £34,000 for a bullying helpline. (Recommendation 7)

The work of Children's Rights Officers (Recommendation 8) was commended by respondents and Who Cares? Scotland suggested that Children's Rights Officers were the best model for addressing the issue of children's rights. It is recommended that local authorities consider appointing Children's Rights Officers and supporting Young Persons Workers from Who Cares? Scotland to discharge this function in relation to children being looked after by local authorities. Consideration of an increase in section 10 grant to Who Cares? Scotland to allow increased activity by Development Officers, is a priority.

For other children consideration will be given to requiring all independent residential establishments to satisfy the registering authority that residents have access to appropriate independent advocates

Recommendation 9 proposes that steps should be taken to promote risk and danger components in Personal and Social Development in the curriculum in schools. This recommendation is presently covered by the National Guidelines on Environmental Studies 5-14 and the National Guidelines on Personal and Social Development 5-14. However further consideration will be given to the need to include further advice for schools and education authorities especially on child protection issues.

## **Selection, Recruitment and Staffing**

### *Recommendation 11*

*The Scottish Criminal Record Office (SCRO) should maintain a list of people who have already been*

*vetted. This list will enable the police to inform employers, or a new register, of people employed in residential child care who have committed an offence.*

#### *Recommendation 12*

*A General Residential Child Care Register should be created and funded through subscription after initial start-up costs have been met if no General Social Services Council is created with residential child care staff included in the first tranche.*

#### *Recommendation 13*

*There should be a new Consultancy Index created for those with access to children.*

#### *Recommendation 14*

*The Scottish Office should require the recommendations in the Warner Report be implemented. Special procedures should be created for all appointments to residential care and to boarding schools including teaching staff. The Scottish Office should commission work to put the Support Force Code of Practice into a Scottish context*

#### *Recommendation 15*

*There should be a compulsory probation period for all new employees with an initial 2 week induction period. The probation period should be ended, and a permanent appointment offered, only when SVQ Level 2 or above has been achieved.*

#### *Recommendation 16*

*Funding for 3 years should be offered to the Scottish Consortium developing the earlier work undertaken by 6 English Local Authorities and Tayside supported by a firm of recruitment consultants. This should ensure standards of selection are improved and that the process is seen as the start of continuing support and supervision with monitoring of the success, or weaknesses, of the selection system.*

#### *Recommendation 17*

*By building on the work done by Stirling University the Scottish Office should offer guidance on staff supervision. Employers should insist on appraisal and a personal development plan for all staff in residential care including teachers and nurses. Performance appraisal should not be linked to pay.*

#### *Recommendation 18*

*The duty to report concerns about the well-being of a child should be discussed at interview and should form part of the job description. All staff should have an exit interview on leaving the service. Staff should always have access to a named person, other than their line manager to whom they can go with*

suspicions or concerns.

#### *Recommendation 19*

*Safety should always be a standing agenda item for staff meetings, and safety should be discussed at supervision sessions and minuted.*

#### *Recommendation 20*

*Relief staff and volunteers must be vetted carefully and should not be allowed to move from job to job without re-interview for the new role.*

#### *Recommendation 21*

*Staff files should be kept for a substantial period, probably not less than 25 years.*

#### General Views from Consultation

There was general support for these recommendations which are designed to minimise the risk of unsuitable adults being recruited for work with children. There was overall agreement that to improve the safety of children living away from home there is a need to build on the present criminal convictions information system run by SCRO and to devise a consultancy index. The recommendation (Number 20) that relief staff and volunteers should be carefully vetted was also supported.

#### Government Response

Recommendation 11 is supported and is already under active consideration in relation to the implementation of Part V of the Police Act 1997 which will extend access to criminal record checks. Recommendation 20 is also accepted and the possible need for an accelerated system for urgent requests will be explored with SCRO.

Recommendation 12 proposed that a General Residential Child Care Register should be created. The Government intends, as outlined in the 7 Point Action Plan for modernising social work services, to set up a regulatory body for staff linked to education and training. This body will be accountable to the public and its principal aim will be public protection. A forthcoming consultation paper will outline the details of the regulatory body, we will publish a White Paper next year and legislation will be brought forward thereafter.

Ministers intend to establish a Consultancy Index in Scotland on a statutory basis. The new system would hold and disseminate, within carefully prescribed parameters, the names of those deemed to be unsuitable to work with children and young people. Proposals for this will be the subject of consultation. Establishing the Index would also respond in part to Recommendation 27 of Lord Cullen's Report on the Dunblane tragedy. (Recommendation 13)

Consideration will be given to tightening the Regulations in respect of persons who work with children in any child care capacity.

We are aware that a number of local authorities have already implemented recommendations from the Warner Report, (Recommendation 14). We commend this report to local authorities. The Consortium will also take forward issues in that Report.

The new training arrangements will be required to provide induction training for staff. (Recommendation 15)

Funding of £94,000 over 3 years has been agreed for the Consortium (Recommendation 16). The Consortium is developing procedures and processes for recruiting staff.

With reference to recommendation 17, good quality supervision is of the utmost importance in residential child care, as it is throughout social work practice. The 7 Point Plan for Modernising Social Work Services includes an objective to improve support for front-line staff. The Association of Directors Social Work have been invited to propose initiatives to improve the quality of supervision and support for front-line staff. They are currently working on this. The new regulatory body proposed for social work services will require that staff registered in the new body are subject to annual appraisal of their performance. The new training arrangements for residential child care will also provide more specialist training for the supervision and appraisal of staff and also induction training.

Recommendations 18, 19 and 21 are matters of good practice for employers. Recommendation 18 can also be followed up in Codes of Conduct in the new Regulatory Body and training arrangements.

## **Training of Residential Care Staff**

### *Recommendation 22*

*A new Social Pedagogue role should be created by training Social Workers, Youth Workers, Teachers, Nurses, Nursery Nurses, Occupational Therapists on courses such as those provided by the Caldecott College or now available at the University of Glasgow.*

### *Recommendation 23*

*A date should be established after which no new recruit comes to the end of their probationary period, and is offered a permanent contract, without a personal development plan which establishes when training will be completed.*

### *Recommendation 24*

*Thought must be given when planning in-service training to include matters of safety for children and young people. There should be greater emphasis in particular on safe caring, normal sex and sexuality, sexual abuse, paedophile behaviour and peer abuse. There is a need for staff to learn more about behaviour management, proper training in restraint and methods of restraint.*

### *Recommendation 25*

A National College should be developed providing induction training, learning support for SVQs, post qualifying training and 'conversion' training for SVQ holders to obtain the Diploma in Social Work, and for those who have other qualifications to obtain a Diploma in Therapeutic Child Care.

### *Recommendation 26*

*Teacher Education Institutions should ensure that all teachers are trained about sexual abuse, paedophiles and bullying in their pre-service training.*

### *Recommendation 59*

*The profile for the Centre for Residential Child Care should be raised, it should receive increased funding and a Chair in residential child care studies should be created.*

### *Recommendation 60*

Every step should be taken to ensure there is always a choice of placement. Greater use should be made of the Centre for Residential Child Care's data base of resources.

### General Views from Consultation

There was overall agreement that the quality of pre-qualifying and in-service training for residential child care staff must be improved. There was support for Recommendation 25 concerning a National College provided that issues of accessibility for workers in all parts of Scotland and maintenance of links with training already provided by employers were addressed. The term "social pedagogue" was not accepted but there was some interest in incorporating European methods and curricula into professional training for residential child care workers in Scotland.

### Government Response

Some of the issues raised by these recommendations on training are already being taken forward within the context of the proposed regulatory body for staff linked to education and training. Ministers have already proposed to centralise and streamline the training for residential child care staff and to link this closely with the establishment of the new regulatory body. Work on this will be taken forward during the year with a view to having in place, a new provision for residential child care training in Scotland running from induction through to continuous professional development by the year 2000. Residential child care staff in Scotland would be expected to undertake the appropriate training from this Centre and by a given date staff would not be expected to work in residential child care in any sector if they did not have the appropriate level of qualification for the work they were doing. These arrangements will be closely tied in with the new regulatory body. (Recommendations 22, 23, 24,25)

Money will start to transfer in 1999-2000 from specific grant, for central administration of new training arrangements.

In relation to Recommendation 26, The Scottish Office have been consulting widely on revised draft guidelines which set out the requirements for initial teacher education in Scotland. These guidelines contain the competencies to be attained by newly trained teachers, including knowledge of, and being able to contribute to strategies to prevent bullying, and also having an understanding of national and local guidelines on child protection and teachers' roles and responsibilities in this area. The Department are also developing revised child protection guidance for use in schools.

As regards Recommendations 59 and 60, The Scottish Office continues to fund and work closely with the Centre for Residential Child Care on all aspects of its operation. It is anticipated that its work will be continued by the successful applicant to run the new initiative for residential child care training. The Centre's national database of specialist resources will be continued.

## **Registration and Inspection**

### *Recommendation 27*

*Registration, and therefore the possibility of de-registration, should be required for a Local Authorities' own units.*

### *Recommendation 28*

*There should be more standardised formats for Inspection Reports that allow easier monitoring and there should be national standards for inspection together with associated Guidance for Inspectors. Training should be provided about their role.*

### *Recommendation 29*

*There should be joint Inspection Boards for children's services with groups of Local Authorities banded together.*

### *Recommendation 30*

*There should be closer links between Local Authority Social Work Inspectors relating to children and HM Inspectors of Schools. Local Government Inspectors should be invited to assist when HMIs inspect boarding schools. There should also be a national standing committee on inspection with representatives from all Inspectorates relating to children on it, to allow more collaborative working and the sharing of knowledge to develop.*

### *Recommendation 31*

*Secure Units should be inspected at the same frequency as other residential child care units.*

### *Recommendation 32*

*Copies of all Local Government Inspection Reports should be held centrally and be monitored and it will be appropriate for this function to be carried out by the Social Work Services Inspectorate. The registration of secure units should remain with the Secretary of State.*

### *Recommendation 33*

*Foster care should be brought within the inspection process.*

### *Recommendation 34*

*Local Authorities must be more effective at inspecting and enforcing changes to their own resources especially their own residential schools.*

### *Recommendation 36*

*Schools run by Local Authority Education Departments, and hostels attached to mainstream secondary schools, should be inspected by Local Authority Inspectors as well as by HMI.*

### *Recommendation 37*

*The Scottish Health Advisory Service should inspect residential resources for children run by Health Trusts, calling upon Local Authority Social Work Inspectors to assist.*

### *Recommendation 38*

*Consideration must be given to inspecting the parent body as well as its satellite units.*

### *Recommendation 39*

*The Local Authority Inspectors should always meet with the external line manager at every inspection.*

### General Views from Consultation

The recommendations to tighten up the registration and inspection arrangements, particularly for local authorities' own establishments, were supported. It was also agreed that there should be greater standardisation in the inspection process and better linkage between national and local inspection functions. The proposal to include foster care in the inspection process was seen as sensible. The resource implications were however highlighted by local authorities.

### Government Response

It is agreed that there should be more standardised inspection and registration arrangements. The proposed White Paper on Regulation of Care Homes and Domiciliary Care Providers will include proposals that local authorities' own residential care establishments should be registered. As part of the Government's strategy for achieving greater consistency in the registration and inspection of care, a National Consultative Committee is to be set up to define national care standards beginning with those applicable to residential settings. (Recommendation 27, 28 & 29)

As regards Recommendation 30, joint co-operation already exists between Social Work Services Inspectorate and HM Inspectors of Schools. At present it is possible for SWSI to assist HM Inspectors of Schools in inspections of the welfare of residential pupils and such collaboration has already taken place.

Recommendation 31 concerning the frequency of inspection of secure units has already been implemented.

The Government recognise that there is a case for monitoring the standards of Inspection Reports (Recommendation 32). Future arrangements for inspection will be outlined in the forthcoming consultation paper. Consideration will also be given to a national standing committee on inspection with representatives from all Inspectorates relating to children. (Recommendation 30)

The registration of secure units will remain with the Secretary of State. (Recommendation 32)

Inspection of the foster care service at local level should be undertaken and the Government is currently considering how this can be best achieved. National standards for foster care are currently being developed and a GB Working Party is due to report by the end of this year. (Recommendation 33)

Recommendation 36 is accepted in principle and any legislative implications will be examined further with HM Inspectors of Schools.

Recommendation 37 that the Scottish Health Advisory Service should inspect residential resources for children run by Health Trusts is not accepted. Health services provided by NHS Trusts are already subject to rigorous monitoring by the Health Boards that commission services from them. Where an NHS Trust provides services of a primarily social care nature, they are subject to the same registration and inspection requirements as other residential homes. Involving SHAS would mean unnecessary duplication.

## **Interface with Education**

### *Recommendation 10*

*More attention must be paid to the loss of educational opportunities experienced by many children in care. In particular there should be an obligatory case conference within 48 hours of a looked after child being excluded from school.*

## General Views from Consultation



All respondents agreed that more must be done to improve the present situation and the loss of education experienced by children looked after by local authorities.

Consultees also agreed that any pupil's exclusion should be treated seriously and reviewed quickly.

### Government Response

Under the Children (Scotland) Act 1995 there is now an obligation on local authorities to have in place a care plan for all children looked after by them. The care plan obliges local authorities to positively plan for the child's future both in the long-term as well as for their immediate needs. Local authorities are also required to identify a child's educational as well as health needs in the plan and to review progress regularly. The Looked After Children Project builds on these plans to improve the quality of care for such children including enhanced attention to educational needs. Social Work Services Inspectorate is also about to commence a review of care plans in Scotland. It has also been decided to set national targets for children looked after by local authorities which will include educational attainment.

We commend the need for an obligatory case conference after a looked after child has been excluded from school but the timescale should be for local determination.

## **Boarding schools**

### *Recommendation 35*

*Boarding schools need to have the welfare of residential pupils inspections at least every 3 years.*

### *Recommendation 40*

*Greater understanding of each other's role and needs would follow from meetings, on a routine basis, between schools and Local Authority Social Work Departments.*

### *Recommendation 41*

*Care must be taken when boarding schools place children with local families and in the appointment of Governors and Guardians.*

### *Recommendation 42*

There should be a new ground for de-registration under Section 99 of the Education Act 1980 "failure to provide adequately for the welfare of the child".

### General Views from Consultation

There was general support for these recommendations.

## Government Response

Boarding schools are already inspected at least once every 5 years, with a follow-up inspection within 2 years depending on the findings of the original inspection. HM Inspectors of Schools also undertake ad hoc inspections if matters of concern arise. It is proposed that all establishments will now receive a full welfare inspection at least every 5 years and a follow-up and review inspection within 2 years of the full inspection. HM Inspectors of Schools commenced unannounced inspections of care and welfare of pupils in residential provision with effect from October 1998. They have also produced, in collaboration with practitioners and local and national organisations, support materials to foster and encourage a culture of self-evaluation in schools and residences to help staff improve the care and welfare of young people. (Recommendation 35)

The Scottish Council of Independent Schools have already published guidelines on guardianship which are relevant to Recommendation 41. Child protection guidelines also issued by SCIS have a bearing on this recommendation.

Recommendation 42 that there should be a new ground for de-registration under section 99 of the Education (Scotland) Act 1980 "failure to provide adequately for the welfare of the child" is accepted in principle and will be a matter for the Scottish Parliament.

## **External Eyes**

### *Recommendation 43*

*The role of the Appointed Person to visit each establishment should be created and guidance provided.*

### *Recommendation 44*

*There should be an Independent Visitor for children in boarding schools.*

### *Recommendation 45*

*There should be a willingness to involve an independent person to hear complaints from children.*

### *Recommendation 46*

*Every child living away from home without immediate access to a parent should have a befriender or independent person or guardian appointed. This is particularly important for those children for whom the rights and powers of a parent have been assumed by the Local Authority.*

### *Recommendation 47*

*Adjudicators could be created along the lines of the Child and Family Charter of the erstwhile Lothian*

*Region.*

#### *Recommendation 48*

*There should always be a dedicated line manager who specialises in child care or better still in residential child care. It may be necessary for some Local Authorities to band themselves together in respect of their residential child care provision.*

#### *Recommendation 49*

*The need for time to be set aside by senior figures to visit establishments must be recognised by employers.*

#### *Recommendation 50*

Funding for the Safeguarders Association should be increased. ("There may be a benefit in having them discharge some of the safeguarding and advocacy functions recommended in this report")

#### *Recommendation 51*

*Steps should be taken by The Scottish Office and by local authorities, possibly by way of section 10 funding, to seek to create Parents Associations for looked after children.*

#### General Views from Consultation

These particular recommendations about creating networks of independent visitors met with a very mixed response from consultees who questioned the merit of setting up such systems. The advocacy body for children looked after by local authorities "Who Cares? Scotland" was very concerned that increasing external scrutiny might not be particularly effective and could create a "gold fish bowl effect" for children who may have already experienced disruption and distress. They point out that many young people in residential settings say they do not need any additional visitors. Young people themselves note that they are unlikely to speak to such people about difficult matters and that there are already enough people coming in and out of their homes and lives.

#### Government Response

There needs to be a balance struck between ensuring the welfare and safety of children on the one hand and limiting the number of people and agencies coming into establishments and the lives of children. For public child care, existing systems should be improved and built upon. In relation to Recommendations 43-47 the response is already covered by the response to Recommendation 8 "Children's Rights Officers". Some children and young people who are particularly isolated because they do not have contact with family or friends may need access to supportive adults outside their residential home or foster family. A number of local authorities and other agencies have introduced successful schemes to link isolated children with adult befrienders who will involve them in a range of activities and take an interest in their welfare, and these are worthy of consideration.

Recommendation 44 which proposes that there should be an independent visitor for children in boarding schools and recommendation 46 as far as it relates to boarding schools will be given further consideration.

In relation to Recommendation 48, existing Regulations already set out the role and responsibilities of "managers" and "person in charge". However that first part of the recommendation is accepted in principle and commended to local authorities. Recommendation 49 is also commended as a matter for local action.

It is not considered appropriate to add to the function of safeguarders as proposed in Recommendation 50. The safeguarder's objective is to report on what is in the best interest of the child. Part of that work is to take the views of the child but the safeguarder does not then represent those views on behalf of the child, unless they coincide with the safeguarder's views of what is best for the child.

In response to Recommendation 51 which proposes Parents Associations for looked after children, some consultees noted that their experience of trying to set up groups for parents of children looked after had not been particularly encouraging. The most appropriate way to actively involve parents in contributing to and participating in the planning and delivery of care in relation to their own children, is to include them where appropriate in the development of the child's care plan. It is therefore proposed that this particular recommendation requires further consideration.

## **Investigation and Monitoring**

### *Recommendation 52*

*There should be a composite review of any instance of abuse by carers. They should be undertaken by Child Protection Committees who should be reorganised in clusters of Local Authorities to enable objective investigation by another agency if this is deemed appropriate.*

### *Recommendation 53*

*The work of Child Protection Committees and the use of their Registers should be reviewed.*

### *Recommendation 54*

*All establishments caring for children living away from home should have a procedure which enables staff to "blow the whistle".*

### *Recommendation 55*

*All young people should be interviewed as they leave services by way of an exit Interview.*

## General Views from Consultation

There was general support from respondents that the work of Child Protection Committees should be reviewed. There was overall agreement that all establishments caring for children should have a procedure which enables staff to blow the whistle.

### Government Response

There will be a review of Child Protection Committees to examine their function and role. Details of the review will be the subject of discussion and consultation with CPC representatives and representative of the constituent agencies. Recommendation 52 will be considered as part of the review of Child Protection Committees which the Government is committed to.

Child Protection Registers (Recommendation 53) already signify that there are concerns about registered children and that registered children are the subject of an inter-agency child protection plan. Registers also serve to alert workers who may have later dealings with a registered child to the fact that there has been sufficient professional concern about a child to warrant an inter-agency child protection plan. The Government does not, therefore, believe that the essential nature of registers needs to be changed at this stage. The revised inter-agency guidance being published alongside this response will, however, re-emphasise the importance of Registers in identifying professional concerns about a registered child.

Recommendations 54 and 55 are commended to local authorities and other providers.

## **Children in Prison**

### *Recommendation 56*

The number of young people in penal establishments must be reduced, and no child under 16 should be in one at all.

### General Views from Consultation

There was unanimous agreement to this Recommendation with respondents however highlighting resource implications.

### Government Response

This Recommendation, which is accepted in principle, overlaps with the work of the National Planning Group for Care and Education Services for Young People with Behavioural Problems including offending, which is looking at secure accommodation and its alternatives and also the report 'Women Offenders - A Safer Way' (published May 1998). This Report recommended that young people under 18 years of age who require a custodial environment, should be held in secure accommodation. The NPG has already been invited to look at the question of young people remanded or detained in penal establishments. . However the lack of dedicated services for young women in this age group and the small numbers involved would make them a higher priority for action and the aim is that there will be an

end to young women being held in penal establishments by the year 2000.

## **Helping Young Abusers**

### *Recommendation 57*

*Further programmes for helping young abusers need to be initiated with central Government funding, part of which can be crime prevention funding.*

### General Views from Consultation

There was broad agreement from respondents that such research should be taken forward.

### Government Response

The Government is committed to tackling sexual abuse by children and young people to reduce the likelihood that they will go on to abuse in adulthood. The Scottish Office part-funded a pilot project run by Barnardo's Scotland which worked with young people who sexually abuse others. Researchers evaluated the project and The Scottish Office Central Research Unit published their report entitled *A Chance to Change*, which offers advice in setting up similar personal change programmes for young abusers.

The Chief Social Work Inspector's Review of the arrangements for dealing with sex offenders in the community considered provision for young sex offenders. The Review recommended that consideration should be given to establishing specialist provision for younger sex offenders within one of the wings of the new secure unit planned to replace St Mary's Kenmure and the managers of the school are taking this recommendation forward. The second phase of the Review includes an inspection of local authorities' case work with sexually aggressive young people whom they look after, and will make recommendations to strengthen this area of work.

The Church of Scotland Board of Social Responsibility propose to pilot a specialist residential service for sexually aggressive young people at Geilsland School and The Scottish Office will keep in touch with developments.

## **Refuges**

### *Recommendation 58*

*A pilot scheme for a refuge should be established.*

### General Views from Consultation

Mixed response to this Recommendation with some respondents supporting establishing refuges and others believing that foster parents or residential establishments could be designated as refuges as

required rather than creating purpose-built refuges that may be under-used.

## Government Response

The Children (Scotland) Act 1995 makes provision for authorities and person carrying on residential establishments to provide refuge for children who appear to be at risk of harm and who request refuge. Refuge may be provided in a designated local authority establishment, with designated persons or in an approved independent establishment. Refuge may take different forms according to the child's needs and circumstances at the point of crisis. Some local authorities have successfully provided short-term refuge to children by placing them with approved families or in local children's homes. The Aberlour Child Care Trust is currently working in partnership with other agencies and the local authority, to develop a proposal for a residential refuge for children and young people in one of the larger Scottish cities. The Government will keep this important area under review.

## **The Children (Scotland) Act 1995**

### *Recommendation 61*

*Any review of the Children (Scotland) Act 1995 conducted in the future must pay heed to the impact, or lack of impact, the Act may have had on the issues raised in this report.*

## General Views from Consultation

Of those few respondents who commented on this Recommendation they are all in agreement with the proposal.

## Government Response

The Government accepts this Recommendation.

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