

#KeepThePromise



# Inspection and Regulation

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Autumn 2020

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Between 2017 and 2020, the Care Review heard the experiences over 5,500 care experienced infants, children, young people, adults and members of the paid and unpaid workforce had of Scotland's 'care system', and their vision for what needed to change. This vision was set out in ['The Promise'](#) which reflected what was heard and detailed the foundations that Scotland's care for its children and families must be built on:



**Voice:** Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what children want and need. There must be a compassionate, caring, decision-making culture focussed on children and those they trust.



**Scaffolding:** Children, families and the workforce must be supported by a system that is there when it is needed. The scaffolding of help, support and accountability must be ready and responsive when it is required.



**Family:** Where children are safe in their families and feel loved they must stay – and families must be given support together to nurture that love and overcome the difficulties which get in the way.



**Care:** Where living with their family is not possible, children must stay with their brothers and sisters where safe to do so and belong to a loving home, staying there for as long as needed.



**People:** The children that Scotland cares for must be actively supported to develop relationships with people in supported to listen and be compassionate in their decision-making and care.

This series of briefings is intended to help Scotland **#KeepThePromise**, highlighting key areas of alignment between what was heard during the Care Review and mapping those to different sectors, in order to guide and inform planning and implementation. They will also bring into focus the substantial amount of overlap between these areas across all parts of the country's workforce. It is hoped that in doing so, the briefings will support inter-sector, partnership discussions on how to take forward Scotland's Ambition, to make it the best place in the world to grow up.

Each briefing begins with a bullet point summary of the 'headline' themes for the sector. The remainder of the document highlights key sector-relevant themes and sections from The Promise giving the relevant page numbers to help signpost readers.

# Briefing Summary

- Scotland must re-orientate its system of scrutiny to uphold relationships so children feel loved, safe and respected.
- Scotland must respect, uphold, champion and defend the rights of children and recognise that their rights are most often realised through relationships with loving, attentive caregivers. Scotland must fully incorporate and uphold the UNCRC.
- Scotland must listen to care experienced children and young adults in the delivery, inspection and continuous improvement of services and of care.
- There must be a complete overhaul of regulation and scrutiny that centres on listening to children about how they are cared for, their ability to flourish and thrive and that measures the things that matter to them.
- Scotland must fundamentally alter the way in which it inspects services for children and the way it regulates and supports its workforce.
- The quality of relationships that children experience in residential settings must be prioritised.

## Scotland must re-orientate its system of scrutiny to uphold relationships so children feel loved, safe and respected.

- p.27** Fear and complex bureaucracy is preventing the system from doing what children need. Individuals and organisations are fearful of what might happen when things go wrong and of being held responsible when professional guidelines or procedures have not been followed correctly. Staff can feel they are risking disciplinary action if they go above and beyond their express duties to act in kindness towards children in their care.
- p.27** Self-evaluation and inspection regimes are overly complex with indicators which are too numerous and focused on the existence of policies and procedures. Evidence of improved outcomes is based on what can be measured rather than what is most important. These processes are driving out a clear focus on relationships.

## Scotland must respect, uphold, champion and defend the rights of children.

- p.27** Scotland must respect, uphold, champion and defend the rights of children and recognise that their rights are most often realised through relationships with loving, attentive caregivers. Scotland must fully incorporate and uphold the UNCRC.
- p.27** The Promise is based on the premise that the UNCRC will be fully and directly incorporated into Scots law to provide a framework around which all systems and services must operate.

**p.27** Scotland's whole approach to care must be grounded on active and sustained application of those rights. Rights must not be driven by process but must flourish within a culture of care and rights-respecting, human-centred frameworks that enable nurturing, loving relationships.

**p.27** The impact on children of adult rights not being upheld and the relationship to the 'care system' must also be recognised. Failure to provide for the needs of vulnerable adults, through the social security system, access to services and support, directly impacts on their ability to care and provide nurturing, loving relationships.

## Scotland must listen to care experienced children and young adults in the delivery, inspection and continuous improvement of services and of care.

- p.37** Structural and System Listening - The level of engagement with and participation in the Care Review has demonstrated that there is a huge appetite in Scotland from people to get involved in shaping policy and practice, specifically from communities with lived experience who are experts in how a system feels and behaves.
- p.37** Scotland must listen to care experienced children and young adults in the delivery, inspection and continuous improvement of services and of care. Scotland must never again have to commission a review or a Judicial Inquiry on this scale because participation and listening must form part of everything within Scotland's system of care.

- p.37** Scotland must support the workforce and services to listen. Capacity building to engage and participate must be a key focus in all workforce learning pathways with opportunities for experienced mentor or peer led support.
- p.37** Participative guidance and criteria must be deployed when commissioning policy development and academic research.
- p.37** Where successful embedded participation approaches exist, these must be captured and shared so that others can test and replicate.
- p.37** Scotland must invest in and continue to be creative about how to ensure effective participation and listening across its services and decision makers.
- p.37** Scotland should develop and deploy reverse mentoring. Decision makers should work with those with experience of the 'care system' to embed lived experience within strategic thinking and delivery.
- p.37** This approach will have a significant impact on culture and go some way towards redressing the power biases. A significantly greater effort will be required to ensure the meaningful participation of people with lived experience in decisions about their own journey, and to inform relational policy and practice.
- p.37** Lived experience must directly and consistently inform continuous quality improvement with a rich qualitative as well as quantitative evidence base.

## There must be a complete overhaul of regulation and scrutiny

- p.27** There must be a complete overhaul of regulation and scrutiny that centres on listening to children about how they are cared for, their ability to flourish and thrive and that measures the things that matter to them.
- p.27** The Care Inspectorate, the Scottish Social Services Council and other regulators must come together to be at the forefront of a shift in culture to enable recovery.
- p.27** They need to significantly declutter and streamline professional codes, procedures and processes with a clear focus on enabling relationships – above anything else.
- p.27** There must be meaningful involvement and collaboration with other key inspectors and regulators across prisons, education and the third sector to ensure all professionals share a language of care and support to uphold the rights and relationships so important to children.

## Scotland must fundamentally alter the way in which it inspects services for children and the way it regulates and supports its workforce.

- p.119** Inspection and Regulation-Scotland must fundamentally alter the way in which it inspects services for children and the way it regulates and supports its workforce. Accountability and what is measured has a profound impact on the way professionals behave and services are run.
- p.119** If Scotland is to shift its practice to support, prioritise and nurture relationships, then Scotland must shift its accountability structures.
- p.119** The Care Inspectorate and the SSSC must come together with other regulators to create a new, holistic framework that values what children and families value.
- p.119** That framework must apply to the totality of care experience and include aftercare and advocacy services.
- p.119** A new framework must be totally focused on children's experiences and their ability to find and sustain safe and nurturing relationships.
- p.119** A new framework for inspection and regulation must be guided by the following principles:
- Inspection frameworks must prioritise the quality of relationships experienced by children, not the process surrounding their care.

- The rights of children must be at the heart of a new framework, so that all services, settings and professionals understand that it is their responsibility to uphold and promote children's rights.
- Children's voices and their experiences must be the focus of inspection and investigation processes. There must be significant emphasis on listening and responding to what they are reporting about service and professional provision.
- As a minimum, inspection must integrate meaningful participation methodologies into how they assess the quality of services and understand how to listen, present and collate their voices into the inspection process.
- There must be consistency across all regulators to align the evidence base so that there is not duplication and so that all those with inspection responsibility are looking at the same things and share common values. For residential services this will require the involvement of Education Scotland.
- There must be high quality inspectors who value and understand relationship based practice and are skilled at working with providers.
- When using 'young inspectors' as part of inspection processes they must receive significant support and training.

- Inspection processes must support organisational reflective practice and continuous improvement. There must be a collaborative and appreciative enquiry approach to the inspection of services.
- System analysis must form part of inspection, so that there can be clarity about processes in relation to the overall commissioning of services and how that impacts on delivery.
- Scotland's services must have time collectively to reflect on and understand learning from all Significant Case Reviews.
- Professional regulation and fitness to practice regimes must reflect the value of workforce relationships with children.
- Investigations into alleged misconduct must seek to uphold not only compliance with policy and procedure but the overall ethos of care and importance of cherishing relationships with children.
- Continuous professional learning must support the ethos of care outlined in the Care Review so that there are no barriers to the workforce facilitating a sense of home, family, friends, community and belonging in which children feel loved and can flourish.

## The quality of relationships that children experience in residential settings must be prioritised

- p.79 Residential Homes and Schools can be the right place for a children or young people, specifically those who would find the intensity of family settings overwhelming and prefer residential care for this reason as it can put fewer demands on them.
- p.79 Residential care is quite distinct from other care settings as children do not live with all the adults caring for them. The workforce in residential care settings will be coming in and out of the home.
- p.79 There is a unique opportunity for relationships to flourish in this setting but obstacles and barriers, particularly during and beyond transitions out of care, must be removed.
- p.79 Residential settings must operate with a cohesive set of values that uphold the rights of the children they are caring for.
- p.79 Those values must be therapeutic, recognising that children require thoughtful, supportive relationships as a basis on which to heal and develop as young adults, for example:
- The needs of the children living in a residential home at the time must inform any rules as opposed to a blanket set of instructions and restrictions.

- Recognising that children and young people may have supportive, kind relationships with sessional staff as well as core staff, the residential provider must be supported to find the right balance between having consistent core staff along with the flexibility of additional support that works for the children and young people.
- Young people who leave residential care may wish to maintain relationships with workers and this must be supported and given time. Blanket policies that prevent the maintenance of these relationships must be removed.
- Staff must be recruited on the basis of their values rather than educational levels.
- Children must not be further stigmatised, and any rules that do so must end. For example, staff should be allowed to use their own cars to take children to school, rather than relying on taxis, this would allow the opportunity for supportive relationships to develop whilst driving a child or young person to school or college.
- Residential Care settings must be supported and resourced to keep places open for young people in line with continuing care legislation. Scotland must ensure that this is not brought to an end when young people do not want to and are not ready to leave.
- The Inspection of residential settings must focus on the children's experience of the relationships. Inspection must be led primarily by what those who live in residential homes say and how they feel they are being cared for.



# #KeepThePromise

**'The Promise'** outlines an approach to family and to care that will mean that Scotland can truly be 'the best place in the world to grow up.' To achieve that, there is considerable work to be done.

This series of briefings is intended to support your organisation in thinking about what it means to #KeepThePromise. It should be used to help you to align organisational policies, strategies and practices with what the Care Review heard, and to identify what changes can be made to those, both now and in the future. The Care Review made clear that it is simply not possible to isolate any one aspect of the system. Therefore, these sector briefings should also help organisations understand who else they need to work with in order to make change happen.

To realise the ambitious scale and extent of change, The Promise Team will need the ongoing input and views of all those with responsibility. Please look at the #KeepThePromise **engagement document** to help you think about the work of change.

**The Promise website** will be regularly updated with information and resources.

For more information about what the Care Review heard about inspection and regulation, see the **Evidence Framework**.



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