

Freedom of Information Request  
Received 21 November 2023, 16:31

**Details of who wrote and gathered all the evidence in relation to Report One published by the Promise Oversight Board.**

In October 2021, the Oversight Board began considering data sources and evidence for areas of interest for Report ONE. The Promise Scotland, as secretariat to the Oversight Board, provided short briefings on five areas. These are included for your information:

The Oversight Board contributed information from their individual and professional experience and worked to analyse the information to form the content for Report ONE. Writing and editing assistance was provided by a professional writer, details of which are in our response to your second question.

## Brothers and Sisters

### **What does Plan 21-24 say has to happen?**

Scotland will stop the practice of separating brothers and sisters, unless for reasons of safety. Relationships between brothers and sisters will be cherished and protected across decision making and through the culture and values of the people who care for them.

### **How will we know it has happened?**

Brothers and sisters will be living together wherever it is safe for them to do so and there will be no reports of forced separation.

### **What current data can be used to tell us it has happened?**

Scotland does not currently collect data on the number of brothers and sisters who have been separated. There is data on the number of children 'in care' in each local authority broken down by placement type available in the [Children's Social Work Statistics](#). The Care Inspectorate publish [data on fostering and adoption](#) collected from service providers annually. This shows the capacity of these services.

### **Is this data good enough?**

**No.** At best, the existing data can be used to show that Scotland does not have enough care placements for multiple brothers and sisters to live in together. Anecdotal evidence from smaller local authorities tells us that this often results in the 'least worst decision' being made – to split brothers and sisters up to keep them in their local authority area, or keep them together by moving them out of area. There are also situations where it is not safe for brothers and sisters to live together. **The issue is therefore hyper-local and family specific, and further impacted by supports and services within each area.**

### **Who should be working on change?**

Local authorities, care providers, CHS, SCRA, Social Work Scotland, COSLA.

### **Who should be monitoring progress and making sure change happens?**

**Accountability is unclear**, despite significant commitment. It falls between local and national cracks; cracks between different local authorities; and cracks between different organisations. Independent Reviewing Officers in local authorities could play a key role. However, there is a mixed picture as to their levels of authority and empowerment. COSLA and Social Work Scotland (Chief Social Work Officer Committee) may need to **step** into the space.

The Care Inspectorate inspect services and the residential framework looks at how children are supported to maintain family connections

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## Moving On

### What does Plan 21-24 say has to happen?

Decisions about transitions for young care experienced people who move onto independent living or need to return to a caring environment, will be made based on individual need. Each young care experienced adult will experience their transition as consistent, caring, integrated and focussed on their needs, not on 'age of services' criteria. Housing pathways for care experienced young people will include a range of affordable options that are specifically tailored to their needs and preferences. Youth homelessness will be eradicated.

### How will we know it has happened?

Transitions will be reported as positive experiences, with every young care experienced person supported to reach a destination that is positive for them at each stage of their journey.

### What current data can be used to tell us it has happened?

The [Youth Homelessness Statistics](#), published annually by Scottish Government's Housing and Social Justice Directorate, show the number of young people aged under 24 who have made a homelessness application while the [Homelessness in Scotland](#) statistics provide information on homelessness applications, homelessness prevention and households in temporary accommodation.

The [Children's Social Work Statistics](#), published annually by Scottish Government's Children and Families Directorate, show the number of young people eligible for aftercare services, and include the number of episodes of homelessness post eligibility.

The Scottish Government's Chief Statistician publishes the [School Leaver Attainment and Destinations](#) annually while the education outcomes and leaver destinations of care experienced young people are covered in the [Education Outcomes for Looked After Children](#) dataset annually.

### Is this data good enough?

**No.** The data is not sufficiently joined up to allow identification of care experienced people within all national datasets.

There are many organisations and services who are supporting children and young people. These organisations are providing trusted relationships which gives them insight into lives, experiences and outcomes. This information is often not considered to be 'data'. However, the core purpose is to monitor change and progress, a key part of which is how change and progress is felt and experienced. **The information held by these organisations is key to understanding experiences and outcomes in short and reactive timescales that cannot be provided by annual data collection.**

### **Who should be working on change?**

Local authorities, Scottish Government, COSLA, Care Inspectorate, care providers.

### **Who should be monitoring progress and making sure change happens?**

It is unclear who holds responsibility for national scrutiny and accountability. The application of legislation is inconsistent across Local Authorities and needs better scrutiny. Independent Reviewing Officers could play a key role at individual local authority level. However, there is a mixed picture as to their levels of authority and empowerment.

Care inspectorate has strategic inspection responsibility, but there is work to be done in conjunction with Scottish Government to ensure that the inspection regime better facilitates the experience of moving on from care.

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## Number of Children in Care – Whole Family Support

### **What does Plan 21-24 say has to happen?**

The 10 principles of intensive family support will be embedded into the practice (planning, commissioning and delivery) of all organisations that support children and their families, directly or indirectly.

### **How will we know it has happened?**

Families will be supported to care for their children, meaning that, by 2030, there will be around 3,000 children in 'care' and away from their families in Scotland. Any changes to that number will be tracked and recorded robustly and nationally and family support and wellbeing will be understood and provided.

### **What current data can be used to tell us it has happened?**

At the moment, the [Children's Social Work Statistics](#), published annually by the Scottish Government Children and Families Directorate, provides information on the number of children in the 'care system' in Scotland from each local authority area and adds it up to give a national figure. For the last decade, this national figure has been around 15,000.

### **Is this data good enough?**

If all Scotland aims to do is reduce the figure, the Children's Social Work Statistics will give that information. However, reducing the figure is a 'system' indicator, it will not provide information about the support that families are receiving across their lives. Therefore, there must also be associated data on **the support families get**, that is not limited to measures of the 'system' providing support, but understands how that support feels, the wellbeing impact, whether it's the right support at the right time, etc. **Scotland does not currently have this data consistently or robustly, from the right lens.**

### **Who should be working on change?**

Scottish Government, the Family Support Delivery Group; Local Authorities; Children's Services Partnerships.

A £500million whole family wellbeing fund was announced in the 2021 Programme for Government with a commitment to move to 5% of health and social care spending to be allocated to whole family support.

### **Who should be monitoring progress and making sure change happens?**

Nationally, the Children & Families Collective Leadership Group (jointly chaired by Scottish Government and Solace). Locally, there is huge variation in accountability and scrutiny across shared Local Authority / Health Board / Integrated Joint Board spaces.



The Scottish Government reviews Children's Services Plans but there is no accountability of consequence attached to that process. Scottish Government also hosts the Children's Services Strategic Leads network.

The Care Inspectorate carry out Joint Inspections on individual Local Authorities for the provision of their children and young people's services.



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## Restraint

### **What does Plan 21-24 say has to happen?**

All care experienced children, wherever they live, will be protected from violence and experience the safeguard of equal protection legislation. Restraint will always be pain free, will be used rarely, and only when required to keep a child safe. There will be well communicated and understood guidance in place that upholds children's rights and reflects equal protection legislation. The workforce will feel supported to respond to behaviour in a trauma informed way that reflects a deep understanding of the children in their care.

### **How will we know it has happened?**

Incidences of restraint will be robustly recorded with all relevant associated data to provide context and detail on the experience. Every care setting in Scotland will have, and be following, comprehensive national guidance and there will be holistic workforce training focused on alternatives to restraint that is continually evaluated against local recording of incidences.

### **What current data can be used to tell us it has happened?**

The data picture is inconsistent:

- 18 local authorities collect data on all incidences of restraint and seclusion in schools and 4 local authorities collect no data at all
- Some health boards collect data on restraint in mental health settings
- Residential care settings *should* be recording incidences of restraint

There is no national data collection on restraint and seclusion across all settings. This means that we do not know with any degree of certainty how many incidents of restraint and seclusion take place in Scotland each year, which children are most affected, how frequently and how seriously.

There is no centralised data collection on use or understanding of national guidance, nor is there national data on holistic workforce training or any evaluation of it.

### **Is this data good enough?**

**No.** Where it exists, the current data is too inconsistent and incomplete to be of use.

### **Who should be working on change?**

Scottish Government, Local Authorities; COSLA; regional NHS Boards; care providers. The Physical Intervention Working Group are developing guidance for use in schools that will be trialled for a year on a voluntary basis.

## **Who should be monitoring progress and making sure change happens?**

Shifts in data and inspection are needed in order to track & monitor nationally. There is **no national group or body that is accountable** for incidences of restraint across all settings.

**In schools:** There is a commitment from the Scottish Government to take action to place the forthcoming guidance on a statutory basis if there is no demonstrable improvement against an agreed set of indicators after 12 months. This would include specific requirements to record incidents of restraint and seclusion. The key governance space in the short-term is the Physical Intervention Working Group.

**In mental health settings:** It is unclear who is accountable.

**In residential care settings:** There is some self-reporting from care providers. The Care Inspectorate has a formal role. Caution is needed so as to encourage honesty rather than secrecy and hidden unreported practice.

Children & Young People's Commissioner has published investigations on restraint practice and Education Scotland, the Equality and Human Rights Commission have a role, Healthcare Improvement Scotland and Education Scotland have a role.

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## Youth Justice

### What does Plan 21-24 say has to happen?

The disproportionate criminalisation of care experienced children and young people will end. 16- and 17-year-olds will no longer be placed in Young Offenders Institutes for sentence or on remand. There will be sufficient community-based alternatives so that detention is a last resort. Children who do need to have their liberty restricted will be cared for in small, secure, safe, trauma-informed environments that uphold their rights.

### How will we know it has happened?

Young Offenders Institutes in Scotland will report zero 16- and 17-year-olds in their 'care'. The number of care experienced children and young people coming into contact with the criminal justice system will reduce significantly and the number of community-based alternatives, and children moving through them, will increase.

### What current data can be used to tell us it has happened?

[Children's Social Work Statistics](#) are published on an annual basis by the Scottish Government Children and Families Directorate and include information on children in secure care.

The [Scottish Government's Prison Statistics](#), published annually by the Justice Directorate, provide information on the number of children in custody in Young Offenders Institutes/Prison and average time served.

The [Scottish Government's Criminal Justice Social Work Statistics](#), published annually by the Justice Directorate, provide information on criminal justice social work reports, community payback orders, drug treatment and testing orders, diversion from prosecution, throughcare and bail and include information on children.

### Is this data good enough?

**Partly.** The data held on the number of children held in Young Offenders' Institutions/Prisons in Scotland plus data on secure care placements and criminal justice social work statistics shows trends in the population of each. However, the data is not linked so journeys through the 'system' cannot be tracked: for example, not all children in secure care have come into conflict with the law.

Therefore, fluctuations in the right directions of these figures are steps in the right direction but not the whole picture. Moving 16- and 17-year-olds out of Young Offenders Institutes will require a redesign of secure care and community alternatives to secure - where a greater number of 'older' children will now be supported. **This means the data on the provision, experiences and outcomes within these settings is critically important to achieving the wider aims in Plan 21-24.**

## **Who should be working on change?**

Police Scotland (policy and practice around application of resources); Scottish Government (legislative change); courts & judiciary (sentencing); CHS; Scottish Sentencing Council; Children and Young People's Centre for Justice (CYCJ); Community Justice Scotland (CJS); young offender institutions and secure care providers.

## **Who should be monitoring progress and making sure change happens?**

The **Youth Justice Improvement Board** has **governance oversight** (through quarterly meetings) of the delivery of the Rights-Respecting Approach to Justice for Children & Young People Action Plan. As members of the Board are also delivery partners, **oversight and delivery are being held by the same people.**

CYCJ provides quarterly updates on current statistics around youth justice and incarceration.

HM Inspectorate of Prisons for Scotland, Care Inspectorate have formal inspection responsibility of Secure Care centres and Young Offenders Institutes.

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Including details of any external contractor involvement in the production of Report One (name of contractor(s), their role, the terms of reference and any agreement in place) and what costs were associated with the production of that report and the involvement of any/all external contractors.

Two external contractors provided services in the production of Report ONE:

| Name                                      | Role  | Cost       |
|---|---|------------|
| Alan Roden /<br>Quantum<br>Communications | Redrafting, writing, editing                | £4,914.00  |
| The Lane Agency                           | Design, graphics, layout, artwork, printing | £25,655.82 |