

Consultation on a proposal for a Children and Young People Bill



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

Please key F11 to move between fields

1. Name/Organisation

Organisation Name

Methodist Church in Scotland

Title Mr Ms Mrs Miss Dr X *Please tick box as appropriate*

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

4. Background

In analysing your response, it would be helpful to know your background. Please indicate the area which best describes your involvement with children from the options below.

Please tick box as appropriate:

- | | |
|-------------------------------|-------------------------------------|
| Early Years | <input type="checkbox"/> |
| Education | <input type="checkbox"/> |
| Health | <input type="checkbox"/> |
| Justice | <input type="checkbox"/> |
| Parent/Carer | <input type="checkbox"/> |
| Police | <input type="checkbox"/> |
| Social Work | <input type="checkbox"/> |
| Sport and Leisure | <input type="checkbox"/> |
| Voluntary Organisation | <input type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

Comments

The churches work with many children and often consider ourselves as guardians of family values. Therefore, as well as looking at practical aspects of the proposals our interest in the direction of society and how the proposals might affect the longer term wellbeing of not only individuals but our society in general.

Comments

23 September 2012

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A CONSULTATION ON THE CHILDREN AND YOUNG PEOPLES BILL

Thank you for the opportunity to respond to the consultation on your proposed "Children and Young Peoples Bill". This document should be applauded as it sends out an ambitious and largely coherent approach to improving Scotland for future generations in Scotland. However, in its ambition it does raise some areas on issues of overall strategy and practicality of what it appears to be calling for. While much of the detailed proposals would undoubtedly improve the situation for many of our young people (especially those in "looked after" situations) it's over all ambitious strategy for a "Child's Plan" for all children and a "Named Person" for each child

might be both over ambitious and a step too far in terms of social engineering within our society.

While we applaud the ambition of a coherent holistic approach across Health, Education etc for all Children in terms of focus and resourcing our concern would be that this would take the focus and resourcing away from the wellbeing of those vulnerable children most in need. While it may be argued that this broader approach might enable preventative measures, there are already examples of well documented cases of “looked after” Children and others known to be vulnerable who are being let down by a lack of focus, early intervention and resourcing in these situations. Assuming there can be assurances that the resourcing and finances will be available to implement and sustain these proposals without drawing resources from cases that most need the form of case management set out, there may be some benefit but with the reality of reducing resources this does not seem feasible. Are there detailed costings for these proposals? How practical and beneficial will it be it to move from a focussed “lead person” approach to this far more universal approach?

The proposed establishment of a “Child’s Plan” and a “Named Person” for each child also raises fundamental issues of the relationship of the state with families. It can be argued that this step will further erode the traditional role of the family and place the onus on bring children up firmly with the state rather than with their parents. For some in the churches and wider society this may prove to be a step too far. This perception may not reflect what is intended, however, it does not seem to send a strong message that we are seeking better parenting rather than increasing state intervention. The intent may be worthy but the consequential shift in the mindset of our society as well as not necessarily achieving the intended outcome may have unintended effects which reverberate into future generations.

Responses to the detailed questions posed are attached.

We trust this is helpful.

Yours Sincerely

Dr William Reid
Connexional Liaison Officer
Methodist Church in Scotland

A CONSULTATION ON THE PROPOSED CHILDREN AND YOUNG PEOPLES BILL

Response to detailed questions from the Connexional Liaison Officer for the Methodist Church in Scotland.

Chapter 1: A Scotland for every child

1. Do you feel that the legislative proposals will provide for improved transparency and scrutiny of the steps being taken by Scottish Ministers and relevant public bodies to ensure the progressive realisation of children's rights?

In welcoming this consultation we applaud the intent of the proposed legislation to realise children's rights. The proposals for increasing awareness and enhanced reporting seem sensible as does the strengthening of the role of the Commissioner for Children. The reservations we have are around how the measures set out will be funded and the practical impact this will have on the overall holistic welfare of children. There may be a tendency to create a bureaucracy which does not have the tools or other resources to implement the vision and may detract from a more focussed use of resources.

2. On which public bodies should a duty to report on implementing children's rights be applied?

It is at this level of detail that these proposals start to become difficult. Placing such an obligation on any public body will require additional resources. While in theory it would seem sensible to create a cascading structure of reporting through all bodies engaged in the welfare of children from the grassroots to government this will require resourcing which in the current financial climate will be difficult and might detract from a more focused approach. There is a danger only a superficial reporting structure will be affordable.

3. Do you agree that the extension of the Children's Commissioner's role will result in more effective support for those children and young people who wish to address violations of their rights?

While a strengthening and some extension of the Children's Commissioner role could be beneficial to all children this should not be at the expense of focussed effective core functions directed at the most serious issues arising around the well being of our young people. There is a danger if the terms of reference become too wide that the focussed resourcing on major issues might be diluted and time and effort spent on peripheral issues to children's wellbeing. The relation between the Commissioner's role, public bodies and families needs careful consideration and if the role is to be significantly expanded as proposed it must be properly resourced.

4. Do you agree with the definition of the wellbeing of a child- or young person based on the SHANARRI Wellbeing Indicators, as set out in the consultation document?

SHANARRI Wellbeing Indicators seem to be a well established definition of how to assess wellbeing and cover most aspects of the wellbeing of children. However, in some ways they do appear to be superficial and somewhat contrived. It is difficult to judge relative priorities across Safe/ Healthy / Achieving / Nurtured / Active / Respected / Responsible / and Included where there may be conflicting indicators. Would the intention be to introduce some sort of scoring system as an overall indicator? Also how both subjective and objective judgements would be made in a standardised way across these indicators. There may be other indicators which arguably are not well covered by this definition such as Loved, Trusted, Supported, Informed etc. It is also just as important in assessing a holistic approach to the wellbeing of children to consider their spiritual wellbeing (there happiness and contentedness for example) as the more systematic SHANARRI Indicators.

5. Do you agree that a wider understanding of a child or young person's wellbeing should underpin our proposals?

Yes

6. Do you agree that a duty be placed on public bodies to work together to jointly design, plan and deliver their policies and services to ensure that they are focused on improving children's wellbeing?

Yes, but a little surprised that this sense of duty is not already better developed than it seems to be.

7. Which bodies should be covered by the duties on joint design, planning and delivery of services for children and young people?

All bodies engaging with the health, education and protection of children should be consulted in the joint design, planning and delivery of services for children but this process must also include appropriate input from children themselves, parents, wider families and the non-statutory bodies which are often key to the welfare of many Children.

8. How might such a duty relate to the broader Community Planning framework within which key service providers are expected to work together?

If there was a more coherent approach and the "sense of duty" alluded to better instilled then we could expect that Community Planning would have a better focus on Community Planning. Currently, it seems most issues considered through the framework are driven by adults. Would it be possible to hear more directly from young people in the Community Planning process rather from adults on their behalf? Already the voice of the disadvantaged is not always heard as clearly as it should through the nature of representation within the Community Planning framework and it should be the duty of key service provides to work together to strengthen these marginalised voices rather than taking a universal approach.

9. Do you agree that we should put in place reporting arrangements making a direct link for the public between local services and outcomes for children and young people?

Yes.

10. Do you think that these reporting arrangements should be based on the SHANARRI Wellbeing Indicators as set out in this consultation paper?

While the SHANARRI Indicators may play an important role in reporting we have the reservations set out in our answer to Question 4.

11. On what public bodies should the duty for reporting on outcomes be placed?

Further to our answers to Questions 2 and 7 while we believe all bodies should have to report we are concerned about where the resources for such an ambitious proposal will come from. We would reiterate our belief that resources should be focussed and that creating an expensive bureaucracy (where reporting becomes as important as practical outcomes) which then cannot afford the tools and resources to make a meaningful difference would be a counter productive development.

Chapter 2: A Scotland for each child

12. Do you agree that the Scottish Government should increase the number of hours of funded early learning and childcare?

Yes, where this can be afforded but careful consideration should be given to how this is best delivered to those in greatest need rather than necessarily a universal blanket approach.

13. Do you agree that the Scottish Government should increase the flexibility of delivery of early learning and childcare?

Yes.

14. Do you think local authorities should all be required to offer the same range of options? What do you think those options should be?

While in theory a universal approach to providing early learning and childcare may seem fairest local authorities are faced with differing challenges by the nature of the communities they serve (ie rural/ urban, deprived/ wealthy etc). There is a case for standardisation but there must also be flexibility to allow local authorities to deliver services where they are most needed and can achieve realistic (often tailored) outcomes for the situations they face in different locations.

15. How do you think the issue of cross-boundary placements should be managed, including whether this might be through primary or secondary legislation or guidance?

This is likely to be a complex issue where at least secondary legislation and clear guidelines are required. There may also be the need for an ombudsman or the like

in such a system with central government funding to help overcome some of the disparage which will inevitably arise.

16. Do you agree with the additional priority for 2-year olds who are ‘looked after’?

What might need to be delivered differently to meet the needs of those children?

No comment.

17. Do you agree with the proposal to provide a point of contact for children, young people and families through a universal approach to the Named Person role?

While the underlying principle seems attractive we have significant reservations on this proposal. The detailed proposals could improve the situation for many of our young people (especially those in “looked after” situations). However, a “Named Person” for each child might be both over ambitious and a step too far in terms of social engineering within our society. Where are the resources to come from for this proposal? While in theory this would introduce a single focus for each child would these individuals be properly trained, equipped and capable of fulfilling such a role when many would be doing this on top of their primary function for what is likely to be a large case load. It also raises questions on the shift of responsibility for parenting from the parent/family to the state. This may only be perceptual but this sends the wrong message. There are also issues around appropriate timing for passing on responsibilities and what might occur around this event. Would a more effective way ahead not be to strengthen the “lead person role” and create a clearer more authoritative coordination role, It also seems to shift the focus for “anything” that might go wrong from the “authorities” to this named individual - is this intended?

18. Are the responsibilities of the Named Person the right ones? Are there any additional responsibilities that should be placed on the Named Person?

We would question if the responsibilities proposed for the “Named Person” are already achievable without a significant increase in resourcing rather than considering expanding these even further.

19. Do you agree with the proposed allocation of responsibilities for ensuring that there is a Named Person for a child at different stages in their lives set out in the consultation paper?

No. As previously stated in the covering note and response to previous questions we have significant reservations on how this might be resourced and the longer term consequential impact on society if it were implemented.

20. Do you think that the arrangements for certain groups of school-aged children as set out in the consultation paper are the right ones? What, if any, other arrangements should be made? Have any groups been missed out?

If the proposals were to be adopted there would be much more work needed in this area. It is not clear where responsibilities would lie in some the cases highlighted for children in various situations (travellers, public schools, home educated etc) or how

this would be funded. It seems specific posts out with government and local authority control would have to be set-up and funded. Would this involve setting up an external funded agency(s) and who would manage and fund this work?

21. Do you think a single planning approach as described in the consultation paper will help improve outcomes for children?

While in some instance there should be benefits for the majority of children the proposals are likely to have superficial benefit. This seems like a large impractical bureaucracy for limited gain. As in previous answers a more targeted approach may be called for.

22. How do you think that children, young people and their families could be effectively involved in the development of the Child's Plan?

We do not fully support these proposals but if they were implemented it would be important to ensure that the "customer" group (Children and their families) was fully engaged in the process. It is not clear how a tailored "Childs Plan" for every child could be a achieved without considerably increased resourcing.

23. Do you agree that care-leavers should be able to request assistance from their local authority up to and including the age of 25 (instead of 21 as now)?

There may be case for those care leavers up to 25 being able to request assistance from local authorities but not necessarily to have a right to assistance. Assistance should be offered on a case by case basis regardless of age.

24. Do you agree that it would be helpful to define corporate parenting, and to clarify the public bodies to which this definition applies? If not, why not?

The term "corporate parenting" rings alarm-bells as it sounds like extreme social engineering. There should be far more discussion around this topic and if such a term is to be used it should be what emerges from an extended discussion with all stakeholders before it is bandied around. On balance the term is unhelpful as it seems as in other parts of these proposals to shift the onus for parenting from the parent to the authorities. While this may be helpful for those in care it sends out what seems like the wrong messages to parents and families.

25. We believe that a definition of corporate parenting should refer to the collective responsibility of all public bodies to provide the best possible care and protection for looked-after children and to act in the same way as a birth parent would. Do you agree with this definition?

While public bodies may have to adopt some of the responsibilities of parents for looked-after children using the term "corporate parenting" does seem to detract from the role of "parents" whose responsibilities arise out of the family relationship with "their" children rather than the responsibility we all "corporately" share for all children.

26. Do you agree that a new order for kinship carers is a helpful additional option to provide children with a long-term, stable care environment without having to become looked after?

Yes. This seems like it would be a welcome development.

27. Can you think of ways to enhance the order, or anything that might prevent it from working effectively?

No comment.

28. Do you agree that local authorities should be required to match adoptive children and families through Scotland's Adoption Register?

Yes, a more consistent approach across Scotland by local authorities would be welcome although there must always be flexibility within this for case by case situations. The funding of this should also be supported by central government to ensure equitable resourcing.

29. Do you agree that fixing maximum limits for fostering placements would result in better care for children in foster care? Why?

No specific comment but should this not be judged on a case by case basis rather than an arbitrary limit.

30. Do you agree foster carers should be required to attain minimum qualifications in care?

Yes, but careful consideration should be taken in assessing potential foster carers so that it does not become too exclusive a group within the overarching consideration of the wellbeing of children in care.

31. Would a foster care register, as described, help improve the matching by a local authority (or foster agency)? Could it be used for other purposes to enhance foster care?

Yes and yes, a foster care register appears to be a useful tool to improve matching and child wellbeing in general.

32. Do you think minimum fostering allowances should be determined and set by the Scottish Government? What is the best way to determine what rate to pay foster carers for their role – for example, qualifications of the carer, the type of 'service' they provide, the age of child?

Yes, as well as a minimum fostering allowance there could be a menu of additional allowances associated with the factors highlighted on a case by case basis. The level of the allowances could be set through a critical survey across fostering situations in the whole of Scotland.