



Parenting across Scotland response to Children and Young People Bill

About Parenting across Scotland

Parenting across Scotland (PAS) is a partnership of children's charities and adult relationships organisations working together to provide a focus for issues and concerns affecting parents and families in Scotland.

The PAS partners are CHILDREN 1ST, Aberlour Childcare Trust, Capability Scotland, One Parent Families Scotland, Relationships Scotland, Scottish Adoption Association, SMC (formerly Scottish Marriage Care) and Stepfamily Scotland.

The Parenting across Scotland partners work with thousands of disadvantaged families throughout Scotland. Partners provide services to families living in poverty, lone families, families affected by disability, families affected by substance abuse, kinship carers, adoptive families, separated families, stepfamilies and many others. We use the views and experiences of those using partner services to inform our policy responses.

PAS provides **information and support** to parents through

- its website www.parentingacrossscotland.org
- its partner helplines (Parentline, Lone Parent helpline, Advice Service Capability Scotland and Stepfamily helpline)
- our Ten Top Tips publications for parents

PAS works on **policy** through consultation responses, engagement with politicians and decision-makers, participation in government working groups, conferences and seminars, and its e-mail newsletter for practitioners.

PAS uses **research** to inform its policy and information work. We commission research and work with others to inform their research.

Surveys of parents - PAS conducts representative surveys of parents in Scotland (undertaken on behalf of PAS by Ipsos-MORI); we feedback parents views on a wide range of issues to policymakers and decision-makers. The results of our MORI polls can be found on the PAS website

(<http://www.parentingacrossscotland.org/publications/polls-and-surveys.aspx>).

About Families – the About Families project (www.aboutfamilies.org.uk) examines the evidence base around parenting with a particular emphasis on the inclusion of families affected by disability. It provides user-friendly topic reports which help services to use evidence to inform service provision and improvement

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General

PAS welcomes the proposed Children and Young People Bill and the opportunity to comment on it. Having a flagship Children and Young People Bill, the first for over 15 years, signals the Scottish Government's intentions to make a sea change in the way that children and their families are supported in Scotland, and moves towards making a reality of the Scottish Government's aspiration to make Scotland the best place in the world to bring up children. We particularly welcome the move towards services working more closely together to support families, and towards adult services being required to recognise the needs of children whose parents they are working with.

While acknowledging the merits of the Bill's aspirations and intentions, there are two general main caveats that we would wish to raise. The first is about the direction of travel and the tone of the proposed Bill in terms of the relationship between the state and the family, and the other is about the strange omission of support and provision for the 0 -3 period in a child's life that we know from evidence in formulating children's life chances.

The relationship between the state and the family

The Bill is a Children and Young People's Bill, and obviously aims to make a difference to children and young people's outcomes. However, one of the major determinants of children's life chances is their family environment, yet there is scant recognition of parents' importance in their children's lives in the Bill and little mention of support for families. In order to strengthen the Bill and ensure that it has the desired impact, PAS urges the Government to consider putting the family centre stage in this Bill, and to afford families adequate support to fulfil their parenting role.

As a Bill which seeks to promote children's rights and which should be underpinned by the UNCRC, it is useful to consider how the UNCRC views the relationship between the state and parents in relation to children.

The UNCRC states that:

"that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding".

It recognises the role of parents and the family as guarantors of children's rights, and the state's role in affording the family the necessary support to discharge this role:

"the family, as the fundamental group in society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community"

It outlines how parents should fulfil their responsibilities and is clear that the state should provide parents with the necessary level of support they need to fulfil their role.

Further, the World Health Organisation states: *"in most situations, parents and caregivers cannot provide strong nurturing environments without help from strong local, regional, national and international agencies."*

"The state's role should be to support families through universal and targeted services, through promoting an economic and social environment that is conducive to families being able to give children adequate care and in some, more limited circumstances through regulating family life." (Families and the state, Commission on Families and the Wellbeing of Children)

The state should undertake a supportive role towards families, and we are of the opinion that emphasis should be placed in this Bill on this aspect of the state's relationship with the family. There needs to be recognition that generally parents and families are the key to children's wellbeing, and that Scottish Government will support them in this role. Indeed, the forthcoming National Parenting Strategy is very welcome in taking this approach, and the proposed Bill should take cognisance of this and dovetail with it to ensure consistency of delivery. Currently, proposals barely mention the family, and through the proposal that all children should have a Named Person responsible for their wellbeing appear to overlook the central role of parents (we comment further on the named person section of the Bill below).

PAS believes that the state should provide universal services that provide a bedrock of provision for families, and offer a safety net for all families, enabling a preventative approach and early identification of problems where further support is required. Universal services also foster a culture where families are encouraged to take up support without fear of stigma or reprisals. Targetted services can then be offered to families who require additional support. In more limited case, where families even with support, cannot

In order to ensure that families are supported as well as possible, and that as far as possible, when appropriate, children can be supported within their family unit, we would urge the Scottish Government to take further steps within the Bill to support the family. Specifically, we would urge the Government to consider a further two duties on local authorities and/or health boards. These are:

- To provide support for parents and families in their area, and
- To provide information to parents and families about what support and advice is available for families in their areas.

Support for the under threes

Parenting across Scotland hosted a roundtable summit of key stakeholders with the Royal College of Nursing and Children in Scotland to explore the future of health visiting. A broad consensus emerged of concern for the future of the profession and an agreement that it was imperative that this should be addressed

Whilst the consultation on the Children and Young People Bill is at pains to emphasise the importance of the early years and the need for early intervention, the specific proposals within the Bill do not deliver on this commitment. The only additional support contained within the Bill for the under fives is an additional 125 hours of child care from the age of three. This will not address the ambition within the Children's Summit pledge which opens the consultation document - "to increase the focus on early intervention and early years in our service provision". It is our belief, and that of the partners who attended the round table summit, that the only way to address the pledge is to increase access to universal health visiting services.

Health visitors make a significant contribution to the health and wellbeing of families and local communities across Scotland. Often, but not always, working with registered community staff nurse, health care assistant and nursery nursing colleagues. They are the key professional group who have access to all families. They support during the antenatal period, with the joys and stresses of a new baby;

Part 1 – Children’s Rights

We welcome the move to include Children’s Rights within the Bill and to give a rights based agenda a more prominent footing in Scotland. The Bill should introduce an overarching children’s rights framework across national and local government and ensure that children’s rights become firmly embedded into life in Scotland. Children’s Rights ought to underpin the whole Bill and should not act merely as an introduction; they should be an integral part of all provisions. While the proposals will provide improved transparency and scrutiny, it is debatable whether as they stand they will actually promote change. There is no provision in the legislation for action and more importantly no redress for inaction. A more robust proposal might include a duty to enact in full all aspects of the UNCRC.

We agree that these proposals will be a step forward in progressing children’s rights in Scotland, and will improve transparency and scrutiny. The Children and Young People’s Bill should:

- Ensure that a Children’s Rights approach is embedded throughout the Bill and not just in Chapter 1
- Extend the duty on Scottish Ministers to other relevant public bodies
- Ensure that the provisions of the UNCRC relating to supporting parents in the discharge of their parental responsibilities
- Extend the duty of Scotland’s Commissioner for Children and Young People to include investigatory powers, which should include some means of redress
- Provide a means of legal redress to children where their rights are violated

Duty on Scottish Ministers

It is important that Ministers have due regard or consider children’s rights throughout their work. The consultation currently proposes a duty that requires Scottish Ministers to ‘take appropriate steps to further the rights of children and young people’. It is unclear from the consultation what such a duty would look like or achieve. Any such duty must ensure that it achieves the desired outcomes for children, young people and their families. We would suggest that this should include having regard to the UNCRC in carrying out their duties, and raising awareness and understanding of the UNCRC. This must be accompanied by a duty to regularly report on progress towards implementing the UNCRC; such reporting ought to be on a regular basis to the Scottish Parliament.

Given that so much of the delivery work around children and their families is carried out by public bodies other than central government, in particular, by health boards, local authorities and Community Planning Partnerships, it is crucial that these bodies should also be tasked with having cognisance to the UNCRC. The duty should be extended to other public bodies, such as the police, SWIIS, ASN Tribunal for Scotland, and the Mental Health Tribunal, This should inform the work that they do and the services that they deliver to children and families. Guidance is needed for public bodies on how they ‘make rights real’.

Parental responsibilities and the state's duties

The preamble to the UNCRC sets out in unambiguous terms that the family is the fundamental building block of society, that 'family life' is the natural environment for the growth and well being of children, and that the state should afford families the necessary protection and assistance to enable them to discharge this role.

In terms of delivering children's rights, one of the primary delivery mechanisms is through parents delivering on their parental responsibilities. The UNCRC recognises the child's need to be supported by their parents as they grow up, and places a responsibility on parents to ensure these rights are met:

"...the child, for the full and harmonious development of his/her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding."

The UNCRC also recognises that parents need support to do this, and that the state should provide this support:

"The family should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community".

Most parents want to do the best for their children and already do a fantastic job of giving their children the best start in life. However, all parents need help at times, and for many parents their ability to do so is compromised by a variety of difficult family circumstances, such as low income, family breakdown, disability and other factors. The forthcoming National Parenting Strategy addresses these needs and will be a major contribution to ensuring that all parents get the help they need when they need it. The importance of children's rights is recognised in the Strategy, and includes reference to the state's duties to support parents as outlined in the UNCRC.

While respecting parents' autonomy in bringing up their children, the Children and Young People's Bill also needs to ensure that parents get the support they need from the state as detailed in the UNCRC to carry out their parental responsibilities. We urge the Scottish Government to ensure that attention is paid within the duty to observe and pay due regard to the provisions, comments and statements within the UNCRC about how the state should support parents in fulfilling their parental responsibilities.

Extension of the Children's Commissioner's powers

The move to extend the powers of the Children's Commissioner to give him/her extended powers, particularly the power to investigate individual cases. However, to fully welcome these proposals we would require more detail of what is proposed; what is currently outlined in the consultation is sketchy, and therefore, does not allow detailed consideration or informed comment. We would welcome the opportunity to see and be able to comment on more detailed proposals. For example, currently, it is not clear whether the investigatory powers relate to breaches/violations of children's rights or a

service provider's failure to have regard to these rights in the delivery of their service.

The role of parents also needs to be carefully considered here. Generally, in discharging their parental responsibilities, parents are also charged with upholding and promoting their children's rights. The state has duties to support them in this (as outlined above). Clarification is needed about whether a parent would be able to request an investigation on behalf of their child, should they consider that their child's rights were being breached, or whether they would be able to give or withhold consent on behalf of the child.

We would, nonetheless, highlight the following provisos relating to this proposal.

- If this extension of powers is to have any real meaning then it needs to be backed up with extended resources; the SCCYP office's current capacity is not sufficient to cope with this as it stands.
- The power should be accompanied by some right of redress; an investigatory power that does not have some follow up would be meaningless, and would not serve the cause of children and young people's rights.
- This power should not supersede other means of redress; children should still have access to the judicial process in terms of their rights
- Further, any extended power would also need to be carefully thought out in terms of its interrelationships with other complaints bodies such as the Scottish Public Services Ombudsman, to ensure transparency, accountability and consistency.

Equal protection under the law

Currently it is an anomaly that children in Scotland do not have equal protection under the law from physical assault. This is in breach of the UNCRC, and the UK is now one of only four countries that does not outlaw physical punishment of children. If there is to be a duty on Scottish Ministers and on other public bodies to promote awareness and understanding of children's rights, it would be inconsistent with flagship legislation that moves Scotland up towards the leading countries upholding children's rights that Scotland should continue to breach the UNCRC in such a way.

The UNCRC (concluding comments, 2008) states that "Governments are recommended to provide parental education and professional training in positive parenting". Positive parenting cannot include physical punishment, and the Scottish Government in ensuring that children in Scotland get the best possible start in life through the best possible parenting, must make clear that positive parenting does not include physical punishment. The Bill is an opportunity to bring Scotland into line with other countries which respect the rights of children and offer them equal protection under the law; we would urge the Scottish Government to take this opportunity.

Part 2 Early Learning and Childcare

- We welcome the changed definition of early learning and childcare, and the commitment to extend childcare hours to 600 and to increase flexibility.
- We ask Government to consider giving parents a right to childcare as well as putting a duty on local authorities to provide it.
- Local authorities should be required to carry out consultations with parents, and audits of existing provision on a regular basis to inform their childcare strategies.
- Quality childcare is essential in ensuring that Scottish Government's aspirations for improving children's outcomes.
- Scottish Government should give careful consideration to how to balance childcare to improve children's outcomes with employability needs of parents.
- We urge Scottish Government to extend provision of childcare for 2 year olds beyond looked after children to a wider definition of children in need.
- When childcare is provided because children are in need, where possible, support should be provided to parents to enhance their parenting capacity.

The Scottish Government proposals to extend early learning and childcare opportunities and to make this a flexible offer to parents is welcome, as is the intention to combine the definition of early learning and childcare with its recognition that whatever happens to children when they are being cared for will, and should include learning, and that the pre school years are as important as their later years in defining and shaping their outcomes.

We welcome the Scottish Government's statement that this is the first step towards achieving a vision of universal childcare for all. OECD studies consistently show that universal childcare by states improves children's outcomes in later life. A universal offer is less likely to be seen as stigmatising and is therefore more likely to be taken up by parents who might usually not take up services. While we realise that this is not achievable within the parameters of this Bill and within the current economic climate, 'a coherent, universal system of early childhood education and care' is an essential part of the infrastructure that will shape the future of Scotland's children and the country as a whole. We are pleased to see recognition from Government of this and the aim to work towards it.

We welcome the duty placed on local authorities to provide 475 hours of early learning and childcare. However, we would urge the Government to consider giving parents the right to early learning and childcare on behalf of their children to mirror the provisions of the Standards in Scotland's Schools etc Act 2000. This would affirm the Scottish Government's stated belief that what happens in the early years is crucially important and put pre school education on the same footing as school education. Additionally, it would confer the right on parents and children to education in the early years.

It is crucial that local authorities consult with parents to assess their needs. It is equally important that they carry out audits of what provision currently exists. These documents should, along with economic data, inform childcare planning and strategies. Flexibility is necessary to ensure that parents and children get what is required. This means that all families should receive the same offer, but does not mean that all local authorities should be required to provide the same mix of childcare. What local authorities provide will be dependent on their local circumstances, and factors such as rurality and deprivation will influence this, and on the identified needs of families in their areas and gaps identified by local audits.

Evidence from GUS, EPPE and other studies show that quality childcare is essential in improving children's outcomes. The quality of the childcare rather than the number of hours is critical in securing better outcomes for children. With this in mind, Scottish Government in guidance or in regulation should set standards, and should ensure that the regulatory authority, SWIIS, inspects both public and private nurseries on the same basis at least every two years.

Early learning and childcare are important for two major reasons: for improving children's outcomes and for enabling parents to return to work. There are, however, times when improving children's outcomes and enabling parents to return to work are not an easy fit. Supporting employability for parents and economic security for families as a route out of poverty is important in improving the life chances of children living on low incomes. Recently, however, there has been a significant increase in in-work poverty. All too often, the only jobs which parents can get to make their way back into the workforce are low paid jobs with anti-social hours. Childcare policy needs to be linked to the Government's economic strategy to provide employment that is family friendly and provides a living wage for families. In terms of childcare, there must be flexibility so that parents can return to employment, but where the hours are anti-social, careful consideration needs to be given as to how childcare is provided. It may be, for example, that with late night hours, childcare can be best provided in the home by a childminder or sitter service. In terms of parenting, achieving both aims is crucial, but this will require careful planning and consideration.

Affordability remains a major issue for many low income parents and with welfare reform and cuts to the childcare tax credit, this is even more the case than previously. Even with free hours, many parents will struggle to afford childcare. Consideration needs to be given to models of subsidy and tapers to allow all parents to access the childcare they need.

The consultation document makes reference to the importance of the time between 0-3; there is strong evidence for the importance of these formative years, and that inequalities surface even before a child reaches his/her third birthday. Yet there is very little in this Bill aimed at the pre 3s. We know that early preventative action can be effective in reducing inequalities. With this in mind, we believe that extending the provision for pre school education for looked after two year olds to include a wider definition of children in need would be advantageous in working towards eradicating those inequalities

which have blighted our country for far too long. We would urge the Government to consider extending childcare provisions to a wider group of disadvantaged two year olds.

Where childcare is provided because of disadvantage, or where it is identified that parents are having difficulties, we believe that parents should be given the help they need alongside the childcare provision. This may be through parenting classes or through one to one support or through signposting to other services. Whatever the service model, this is a golden opportunity to engage with parents and help them to become the best parents they can be to their child. Through guidance, the Scottish Government should encourage local authorities and other providers to take this approach.

We would also point out that while we are very much in favour of the childcare proposals, there are parents who would wish to spend this time with their children, and that this too is a legitimate aspiration. There are some parents for whom this is even more important than others in terms of building up secure patterns of attachment and bonding; we would cite in particular, here, adoptive parents and kinship carers.

Part 3 – GIRFEC/SHANARRI

- We welcome the new focus on wellbeing and agree that it should be enshrined within both primary and secondary legislation.
- We fully support the goals and principles of GIRFEC and support a duty on public bodies to work together
- There should be an additional duty on public bodies to increase awareness of their services to families
- While welcoming the concept of a Named Person, we would wish the Government to give more thought to its interaction with the role of parental responsibilities
- PAS urges the Scottish Government to consider putting a duty on public bodies to provide support to families

The proposals within the consultation to move towards a definition of wellbeing and to revise how we provide services for children and families are very welcome. As Article 18 of the UNCRC recognises parents are the most important people in their children's lives and should be supported by the state to fulfil this role. While parents have the main responsibility for ensuring that their children develop fully, Government should support them in this role as set out under Article 27. We would wish Scottish Government to put the family at centre stage in their plans for children and young people; this must include the recognition of parents as the most important people in their children's lives, and consequently the role of the named person is one which must be considered carefully. We see many of the provisions within the consultation as a step towards a more integrated model of family support that will be empowering rather than divisive for families. Services that work with the whole family considering all its needs and treat it as a whole entity rather than as separate individuals have greater impact for the wellbeing of both children and the important adults in charge of their care.

Wellbeing

The focus on wellbeing is welcome and is in tune with current thinking and developments in neuroscience and psychology. Given that this is an emergent dialogue with definitions and understanding of wellbeing constantly evolving, we suggest that 'wellbeing' as a concept ought to be enshrined in primary legislation with the more detailed definition relating to SHANARRI being embedded in secondary legislation. This would allow for more rapid amendment to encompass emerging evidence should the need arise. There is a need here to review parental responsibilities in regards to new definitions using well being rather than welfare, and to assess how parents can best ensure their child's wellbeing and how the state can support them in this.

Better service delivery and planning

PAS fully support the goals and principles of GIRFEC and welcome the duty on public authorities to work together more closely for the benefit of children and families. However, there needs to be more mention and a duty to include the third sector in any planning mechanisms.

There needs to be consideration given to ensuring that adult services identify where children are involved and provide the appropriate support to the whole family where necessary.

Joint planning and service delivery ought to be designed to avoid families finding themselves in crisis as far as possible. Preventative and early intervention services are key to this, as are identification of difficult life events (such as family breakdown, bereavement, job loss) and key transitions (such as entry to primary and secondary schools) where additional support may be the difference between coping and sinking. One of the major difficulties that families themselves identify (Ipsos-MORI for PAS, GUS and parents' consultation on the National Parenting Strategy) is that they don't know where to go for help. PAS urges Scottish Government to place a duty on public bodies to increase awareness of their services to families; this small move in itself could make a tremendous difference. Signposting, creating clear pathways and better information provision at times we know are difficult for parents would be a sensible move.

We recognise that this will not always be possible and where families are in crisis, it is of paramount importance that all services work together with the whole family to achieve the maximum impact.

In terms of which public bodies, should be covered by a duty, we agree with the bodies outlined in Annex B but would suggest that the duty should cover all public bodies to be consistent with rights agenda and incorporate it into other parts of the Bill. If we really want to create a Scotland that is the best place in the world to bring up children then there needs to be a shift towards all bodies considering children and families in their operations. Bodies such as Historic Scotland and the Forestry Commission, for example, may not initially appear to have an obvious role, but in their access to the built and natural environments they are clearly enablers of children's rights to play and education.

The planning duties fit within the Community Planning Framework. Here, Community Planning Partnerships need to be responsible and accountable for the development of Integrated Children's Services Plans with the involvement of the third sector and of parents, carers and young people. Resourcing and commitments detailed within these Plans ought to be clearly set out and accountability shared by the all bodies represented in its development. It is crucial that the views of parents who are existing or previous service users are utilised in designing services that are appropriate to families' needs.

Obviously, it is important that we know whether what we are doing makes a difference, and therefore reporting on outcomes must be a robust and thorough process. Given that the intention is to enshrine wellbeing and SHANARRI in legislation, this should form the indicators and framework against which any measurements are made. To ensure consistency and meaningful dialogues, there should be a single framework to which all reporters adhere.

Single Child's Plan

Where there is concern for a child pre or post birth then there should be a new statutory duty in the Children and Young People Bill to create an exclusive, nationally consistent enforceable Single Child's Plan. Having a Single Child's Plan to which all professionals work would make a lot of sense and would allow all professionals to work together more consistently around the family. The Single Child's Plan ought to replace all other Child's Plan currently within legislation so that all professionals are working to and sharing the same document and using the same language.

This, and the other moves towards integrated services, will not on their own, create the culture shift that is needed to move service provision for children and their families towards a more effective model that delivers for families. One of the primary drivers for change has to be workforce development: there needs to be shared initial professional training with social workers, teachers and other associated professionals sharing the same modules on child development and protection, this then needs to continue into shared Continued Professional Development. Professionals need to have a shared understanding and language. Workforce development and a coherent framework of skills and qualifications needs to be developed to ensure that professionals can work effectively together for the benefit of children and their families.

Named Person

As stated earlier, Article 18 of the UNCRC recognises parents are the most important people in their children's lives with the primary responsibility for their children's development, and states that Government should support them in this role as set out under Article 27. Parents are generally the best guardians of their children's rights and wellbeing. It is important to recognise the role of the family as the main locus for the child's wellbeing with the Named Person stepping in as the universal point of contact when parents or carers need advice or support for the vast majority of families who are coping well, and the Named Person stepping in only as the main guarantor of children's wellbeing only where families are vulnerable or have other support needs. Having a more universal named person approach creates a degree of state involvement in family life that is neither needed nor desirable. Moreover, such a universal guarantee would be one that would not be achievable or meaningful within existing resources.

We welcome the proposal that all families and children should have a named person who could be the first point of contact to provide the low level support that many families need from time to time and which might avert crises. Where families need greater levels of support and in relatively rare cases are unable to discharge their parental duties, the more intensive responsibilities of the named person as proposed in the consultation should apply. Named person responsibilities should apply for looked after children up to the age of 25 to complement the responsibilities outlined elsewhere in the consultation.

The Named Person should sit with whichever public authority is the most appropriate body for the child at that age and stage of their life, and children

and their families should have a say in who that should be. This may change according to local variations and according to the public services reform agenda. When CPPS are planning their Integrated Children's Services Plan arrangements for Named Persons should be set out with regard to how this fits the local agenda and fits into national guidance.

The Named Person role should be one which complements and sits alongside the parental role, providing them with access to the additional support

Part 4 – Looked After Children

- We welcome the Scottish Government's intention to define corporate parenting in legislation.
- There should be somebody who holds ultimate responsibility as corporate parent.
- Preventative work with parents should be undertaken according to need at the earliest possible opportunity to avert, where possible, children being taken into care.
- Where compulsory intervention measures are taken, there should be a duty on local authorities to assess whether the family requires any parenting support.
- Family Group Conferences ought to be offered as an option to families where there is a possibility that children will be taken into care.
- We welcome the proposal to extend support to care leavers up to the age of 25.
- While welcoming in principle the proposal to make use of the National Adoption Register compulsory, we would urge Scottish Government first to explore why some authorities are not using the scheme currently.

The UNCRC states that all children have the right to a secure and safe home life. It makes it clear that the family is crucial for assuring the well-being and positive development of children and young people. It also makes it clear that the state should provide parents with the assistance that they need to assume this role. Many parents need very little help throughout their parenting life-course from the state, whereas others are only able to undertake this role with a great deal of help from the state. Whichever is the case, generally, the family environment is the best for the child, and we would argue that where this can be achieved it is a better outcome for children than them having the state as a parent, with outcomes that tend to be far inferior to being with a nurturing family. Only in the rarest of cases where parents are unable to care for their children should the state step in to assume the role of parent. The Scottish Government needs to fully step up to its duties under the UNCRC and support families to stay together where this is possible.

Where it is necessary for the state to take on the responsibility to provide care and support, it is important that both what this is and who is responsible is defined. We welcome the proposal to enshrine a definition of 'corporate parenting' in legislation, so that there is a clear shared awareness between staff at strategic and practitioner levels of what this entails and so that, staff caring for children are empowered to make decisions that are more consistent with normal, familial parenting.

There should be a Families First approach to work with parents and children in Scotland so that where possible work is undertaken with parents and families as soon as possible to avert children being taken into care. Early identification of problems through midwifery and health visiting services should lead on to integrated services centred around families which focus on the needs of individual families as identified by the families themselves as well as by professionals. Professionals working with families must take an asset-

based approach, and acknowledge and build on families' existing strengths. Work with parents must take place while children are 'looked after' at home, before children are taken into care and while they are in care. Many children are taken into care on a temporary basis and may return; others choose to do so as soon as they are able at 16. In many cases, children return home to the same set of difficult circumstances that they left. When compulsory intervention is proposed, local authorities should be obliged to assess the family's parenting capacity and to make the offer of help where it is deemed necessary and where the parents wish it. Where compulsory intervention measures are taken, local authorities should assess whether parenting support is required and to put this in place where possible.

Where compulsory intervention is proposed, there should be a duty on local authorities to first make an offer of Family Group Conferencing. Very often Family Group Conferences are either able to identify support from within the family which can keep the child within the existing family environment or if necessary, can identify other family members as kinship carers. Either outcome is generally better, most importantly for the child, but also for the public purse.

While we feel that prevention is better than care, we would state this with the caveat that there should be robust processes and clear pathways to care with a swift move to permanence where it is not.

We welcome the proposal to extend support to care leavers up to the age of 25. For children whose parent is not the state, support generally goes on throughout the course of their life. Currently, unemployment, higher educational costs, welfare benefit and housing benefit changes mean that children leave home later and require support from their parents up to a later age. Care leavers are even more likely to need such additional support, and so, we welcome this proposal. However, the current powers which provide for children to be looked after to the age of 18, and supported up to 21 are poorly resourced and used. Currently, the consultation only proposes a right to request rather than a duty to supply, so that local authorities would not be bound to provide support. For the proposal to have a meaningful impact and to be of benefit to care leavers there needs to be a duty to provide the support and local authorities need to be resourced to do this.

In principle, we welcome the proposal to put the National Adoption Register on a compulsory footing. Use of the Register by all authorities would speed up the adoption process for children and result in a quicker move to permanence. Ideally authorities should do this voluntarily because it works in terms of achieving swifter placements for children. However, this is not the case at the moment. The reasons that authorities do not currently use the Register should be investigated prior to the implementation of any legislation. It may be that any barriers can be addressed through practice guidance or through secondary legislation, rather than by taking a coercive approach.

