

# The Promise Oversight Board

Report ONE May 2022





**We grow up loved,  
safe, and respected  
so that we realise  
our full potential.**

Scotland's ambition for  
children and young people.

# Contents

<b>Foreword</b>	<b>2</b>
<b>Report summary</b>	<b>6</b>
<b>Background</b>	<b>10</b>
<b>Isla's story</b>	<b>16</b>
<b>Monitoring progress</b>	<b>18</b>
Accountability	21
Data	24
Our current assessment of progress	30
<b>Driving change</b>	<b>34</b>
Feedback loop	36
<b>Conclusion</b>	<b>38</b>
Next Steps	41
<b>Appendices</b>	<b>42</b>
Timeline	42
More about The Promise Oversight Board	44
Key references	46

# Foreword



## Foreword

When the [Independent Care Review](#) concluded in 2020 and a promise was made to children and young people, Scotland had a unique opportunity for change with significant momentum behind it.

But in the year that Scotland made its promise, [24 care experienced children and young people died](#). This cycle of tragedy must end. Scotland must deliver change, and it must ensure that change is sustainable and felt by children and families, both today and in the future.

We acknowledge that the promise is a 10-year transformational change programme. However, two years since it was made, it is time to take a view on the progress that Scotland is making to keep the promise. This is our first report on that progress.

It is so important to ensure that change is not tokenistic or simply expressed in a new policy or piece of legislation, but rather it is sustainable and felt by children, young people and families for years to come. Growing up loved, safe and respected must mean more than publicly stated good intent and [#KeepThePromise](#) virtue signalling, followed by outrage and shame when this doesn't happen.

The publication of the [conclusions of the Independent Care Review](#) was not the starting point - it came from years of dedicated, committed campaigning of care experienced people telling

painful stories and demanding change. The Review heard more than 5,500 experiences and we willingly carry the weight and responsibility in all that testimony as we seek to fulfil our role.

There is no one organisation that can be singled out and identified as getting it wrong. Failure to make sufficient progress is collective and exists right across Scotland. As the problem is collective, the solution must be collective.

As we undertake our reporting responsibility, we are very aware of the impact of the Covid-19 pandemic, which started so soon after the publication of conclusions of the Independent Care Review. Suddenly, the issues faced by families were more widespread, affecting more people than ever before. But we also know that experience of isolation, missed opportunities, educational disruption and lack of contact with friends and family was already the everyday reality of children and young people who experienced Scotland's 'care system' at its very worst.

Large numbers of children and families were struggling before Covid-19 arrived. Scotland already had a huge task ahead of it, with a commitment to keep the promise by 2030 at the latest. That must be the bedrock of Scotland's Covid-19 recovery. The growing cost-of-living crisis with inflation and rising energy costs means that more households will struggle. We know from decades of research outlined so clearly in [the promise report](#) that when the economy hurts children and adults, too often this increases the odds of becoming involved with the 'care system'.

The lives of too many babies, infants, children and young people in Scotland are still determined by their circumstances and not their talent and potential. Too many face lifelong trauma through no fault of their own. By 2030, that must change. We will continue in the open and transparent way that we started until we are confident that the promise has been kept.

As I reflected in [the promise report](#), when I was asked to chair the Independent Care Review, I paused. In the preceding years, there had been many reviews into how Scotland cares for its children. Yet, children continued to wait, childhoods continued to be lost.

It was unacceptable to expect children to wait until the end of yet another traditional review for change. So, we embarked on a mission to establish a collective ambition that enables loving, supportive and nurturing relationships as a basis on which to thrive.

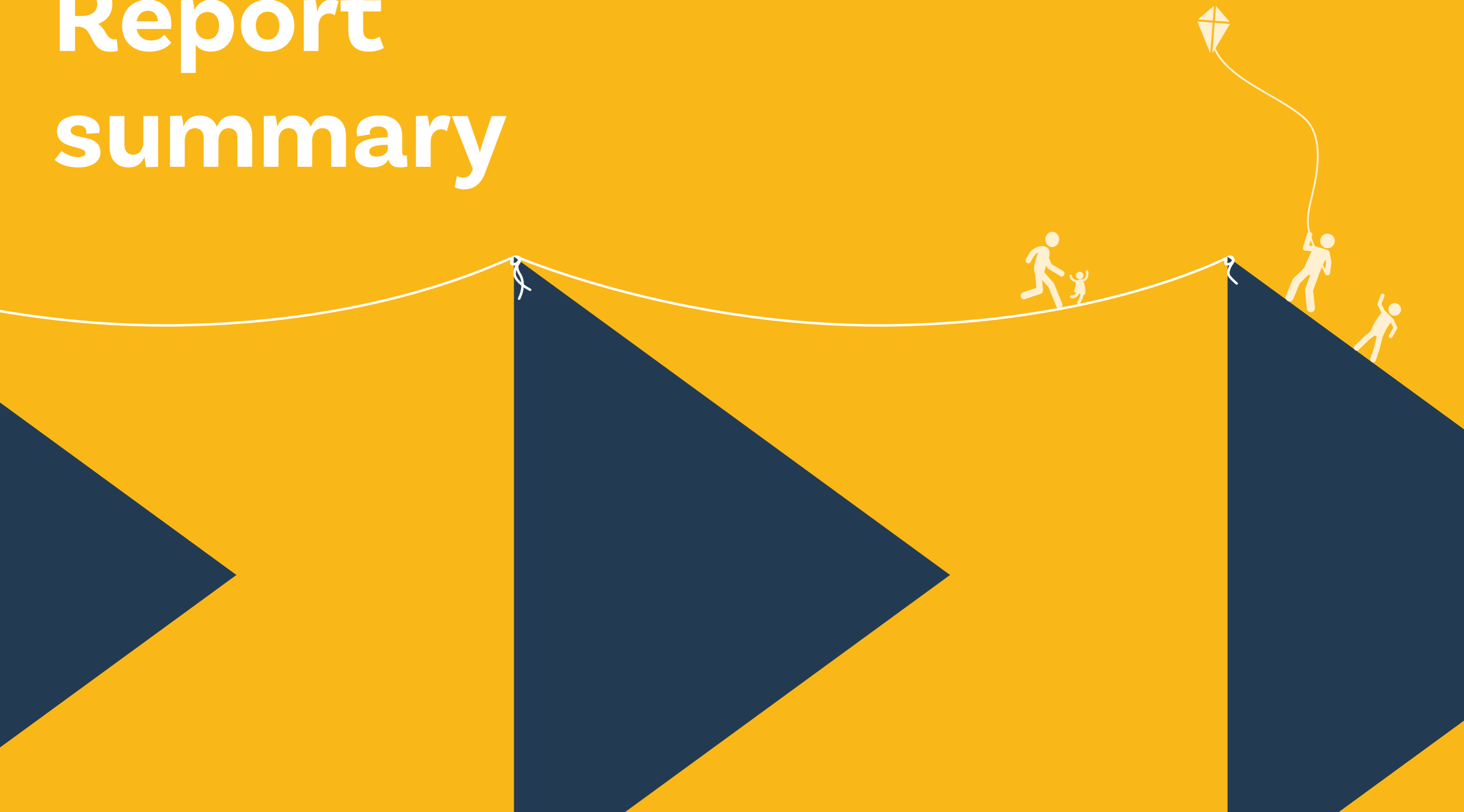
Today, as the Chair of [The Promise Oversight Board](#), I am determined we hold those responsible for keeping that promise to account and monitor the progress made.

Everyone involved in keeping the promise is trying hard – but we all must try even harder. Scotland must not fail this generation.

**Fiona Duncan**

Chair of The Promise Oversight Board

# Report summary



## Monitoring progress

We remain hopeful and optimistic about Scotland's commitment to keep the promise, but the current systems and structures do not make it possible to effectively monitor progress. To keep the promise by 2030, the pace of change needs to increase - and the scale of change needs to increase.

We are confident that progress has been made towards keeping the promise to Scotland's children and young people - the promise that they will grow up loved, safe, and respected so that they realise their full potential. This progress has withstood the challenges of Covid-19 and is today more important than ever in the face of a cost-of-living crisis. We can see signs of some work underway, and we know there is a clear and ongoing commitment across Scotland to keep the promise.

However, Scotland does not have the systems and structures in place to know enough about the current experiences of children, young people and families to fully understand how lives are improving, or if those with responsibility towards them are really stepping up to the challenge. Change must be significant and transformational so that it is felt by children, young people and families, every single day.

For the change to be significant enough to keep the promise, it will have an impact on how a whole range of organisations operate. For some it may mean that they shift their role and function, for others it may mean that they close.

## Accountability

This landscape is messy and inconsistent - and it needs to change. Many organisations are charged with responsibility for inspection and regulation of the workforce and services. Others scrutinise the use of public money for the achievement

of policy aims and outcomes. They all need to ask how those they scrutinise are keeping the promise. Accountability needs to shift away from the individual parts of the 'system' and towards a collective accountability framework, focused on the needs of children, young people and their families (p21).

## Data

As anticipated, we found the data available to be insufficient for understanding children's lives, and incomplete in providing information for us to properly do our job. The way that data is predominantly used by the 'care system' has evolved to meet the needs of the 'system', rather than being founded on what matters to children, families, and care experienced adults. Too often, it seems that Scotland only measures things which are easily quantifiable, rather than things that matter, such as a child's personal development as they grow older. Too often, statistics are reported so that progress can be demonstrated - rather than using information to make sure change is truly felt in people's lives (p24).

## Our current assessment of progress

There are some areas where we can provide a confident view on progress (or lack of progress) so far (p30):

- **Commitment to keep the promise** There is a clear and ongoing commitment across Scotland to keep the promise, and the hope from 2020 remains.
- **Scottish Government funding for family support** Recent announcements from the government are welcome, but there needs

to be a greater focus on what the money is achieving.

- **Cross-border placements** These placements remain an issue. Some children are forced to live too far from their home, in places that do not provide the support or facilities they need, and that often separates them from their brothers and sisters.
- **Children's Hearings System redesign** Children's Hearings Scotland (CHS) and Scottish Children's Reporter Administration (SCRA) have committed to and are actively participating in a redesign work programme that will lead to legislative change.
- **Mental health provision** The continued lack of mental health provision for children and young people, and the lengthy waiting lists, are having a profound impact.
- **Youth justice** The lack of urgency in removing 16 and 17-year-olds from Young Offenders Institute provision has been unacceptable, although the [Scottish Government's recent announcement](#) that it will end this practice is welcome. There must be greater recognition and investment in access to justice for care experienced young people.
- **Use of restraint** The lack of data available on how many incidents of restraint are taking place in Scotland causes us significant concern. We know how distressing restraint is for children and remain deeply concerned that they are not being consistently protected from violence.
- **Right to education** Outcomes for care experienced children are not good enough, and there continues to be no alignment with the promise to end school exclusions.
- **Workforce capacity and support** Extra capacity needs to be created, which requires governments, councils, the third sector, trade unions and the private sector to all work together.
- **Cost-of-living crisis** When the economy hurts children and adults, this can increase the odds of interaction with the 'care system'.

## Driving change

We will always support and encourage attempts to make progress, while calling out what does not work or where not enough is being done to keep the promise.

[The Promise Scotland](#) is developing a 'feedback loop' which will provide a way of bringing information together with data to ensure that there is a clear understanding of individual and collective work underway, a full view of the landscape within which that work is progressing, and the necessary intelligence and data to monitor progress. The information and data pictures are constantly evolving and so an ongoing evaluation of progress made against the data available to measure change will be necessary. None of this will happen organically - it all needs work. Some of that work is already underway and The Promise Scotland will be drawing on the 'feedback loop' as it develops to inform our monitoring and reporting.

The promise must be kept by 2030. More than two years have already passed since it was made. Scotland has less than eight years left to keep the promise. Progress is being made, but there must be greater urgency. Before our next report is published, for Scotland to deliver the promise, there must be a step change in the pace and scale of improvements being made.

# Background



## Background

This is the first report from [The Promise Oversight Board](#) on progress that Scotland is making to keep the promise. It was a promise made to care experienced infants, children, young people, adults and their families. It was also made to families who live around the 'care system' and whose lives are impacted by its decisions. The promise made reflects a commitment that had already been made through the [National Performance Framework](#) - that every child grows up loved, safe and respected and able to realise their full potential.

We report to the care community and Parliament, but we hope that this report will also be read by everyone who has some part to play in keeping the promise.

## The Independent Care Review

In October 2016, the First Minister made a commitment to establish how Scotland could love its most vulnerable children and give them the childhood they deserve. She commissioned the [Independent Care Review](#) which listened to infants, children and young people in care, and care experienced adults across Scotland who selflessly shared their experiences to make positive change a reality. Between February 2017 and February 2020, more than 5,500 people told the Independent Care Review their stories.

In February 2020, the Independent Care Review published its conclusions. The in-depth examination of all aspects of care in Scotland revealed a system that was described as fractured, bureaucratic and unfeeling for far too many children and families.

The Independent Care Review created [12 composite stories](#) which reflect the experiences of children in Scotland today. In this report, we tell Isla's story, who was 10 years old when the review concluded.

One of the Independent Care Review's final seven reports was [the promise](#). Scotland's children and families were promised that more would be done to keep families together, and that the 'care system' would be transformed.

In the Scottish Parliament, the First Minister pledged to keep the promise - a commitment which received the support of all political parties. A small team from the Independent Care Review was incubated in the Scottish Government.

## The Promise Scotland

[The Promise Scotland](#) was established as a non-statutory company in March 2021 to engage and work with all those who need to keep the promise. It is responsible for driving the work of change demanded by the findings of the Independent Care Review.

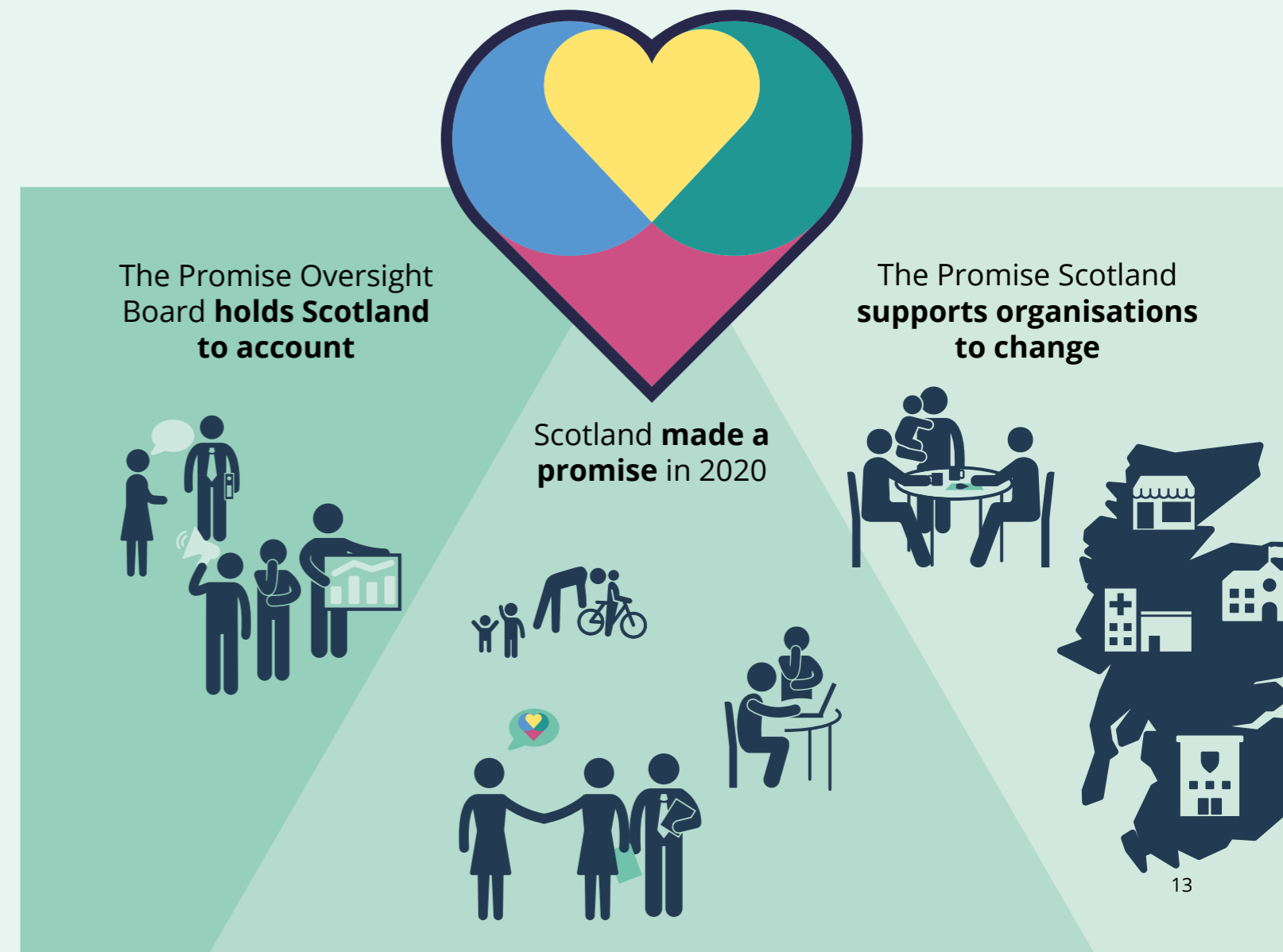
## The Promise Oversight Board

We first met as a board in January 2021. We were recruited through an open application process, with one seat held for the care experienced chair of Who Cares? Scotland. Fiona Duncan, who chaired the Independent Care Review, was ministerially appointed as chair of the board. Our board has 21 members, and more than half of us have experience of the 'care system'.

As a board, we have responsibility for the task of monitoring, tracking and reporting on Scotland's progress to keep the promise.

We have a role to play in encouraging and driving change to happen, but only those organisations with responsibility for Scotland's 'care system' and services nationally and locally can make the changes happen in practice.

[We have met regularly](#) as a group to reflect on and shape our role and remit in relation to monitoring and reporting. We have come together to discuss and understand the work underway across Scotland, to explore what is working and what is getting in the way, and to agree the assessment and statement we want to make on Scotland's progress to date.





## Plan 21-24

Plan 21-24 was published by The Promise Scotland in March 2021 and sets out what must happen between now and 2024 to ensure Scotland stays on track. It is the framework that we monitor against. It will be followed by two subsequent plans: Plan 24-27 and Plan 27-30.

### **The five priority areas and key milestones for Plan 21-24 are:**

- The right to a childhood
- Whole family support
- Supporting the workforce
- Planning
- Building capacity

Following the publication of Plan 21-24, The Promise Scotland published the Change Programme. Between now and 2024, it will be updated regularly to capture the work underway to keep the promise in each priority area of change.

## Isla's story

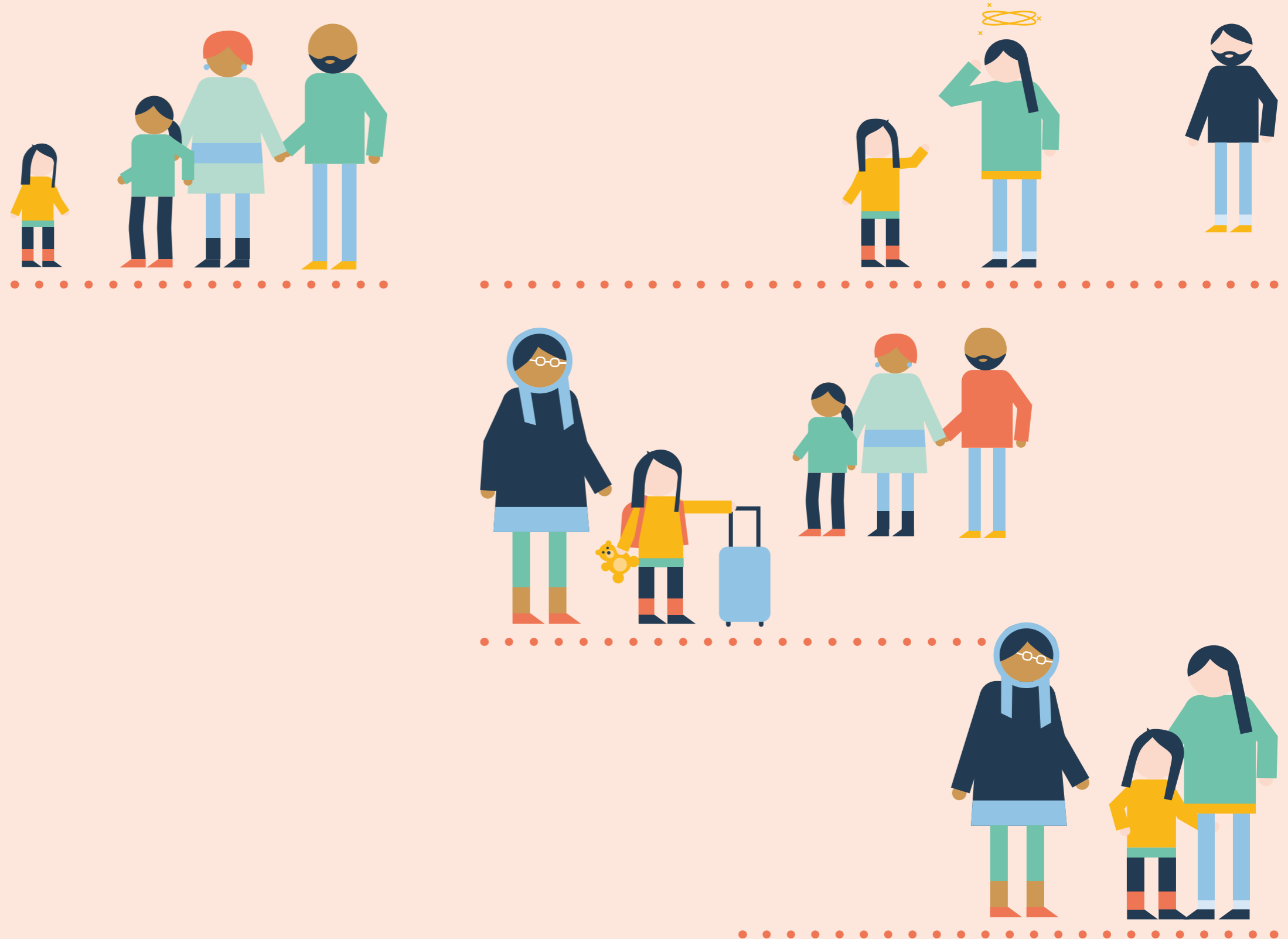
The Independent Care Review created 12 composite stories. That means the stories are not real people but have been written to reflect the experiences that the Independent Care Review heard. We thank every single person who shared their experiences.

Here we tell Isla's story, who was 10 years old when the review concluded.

**Isla moved in with a new family when she was only four. She moved back in with her parents not long after and things were much better when she went home. Then her parents separated when she was six. Her mum was unwell and struggled. Isla went to live with another new family – she liked it there, but she couldn't stay. She has since lived with a further four new families.**

Isla thinks the hardest bit is having to change schools – she has left a lot of friends behind, and no one seems to remember to keep in touch. Her favourite time of day is lunchtime – the dinner ladies are always really nice to her. Isla finds it really difficult to make friends and trust people. Her current classmates know she is in care and she wishes they didn't. Isla's social worker visits every so often. Isla really likes her; she is fun and kind. Isla wishes she could see her more.

In the space of six years, Isla has experienced seven moves resulting in several changes of home and school. For Isla this has meant loss of familiarity, routine and significant relationships. Each time Isla has had to start over and build new relationships. In six years, Isla has already lost so much and faced such trauma for someone so young.



*For children like Isla,  
Scotland must keep the promise.*

# Monitoring progress



## Monitoring progress

Our role is to report on work toward keeping the promise by 2030 with a particular focus on progress across Plan 21-24.

We are also clear on who we are reporting to – the Scottish Parliament and the care community, including children, young people, families and care experienced adults.

In our report, we analyse Scotland's accountability framework, address existing data gaps, and assess progress across Plan 21-24. We also respond to updates on keeping the promise from the Scottish Government and COSLA.

At no point during our work to monitor progress did we lose sight of the fact that this is about children's lives. It is critical that we analyse and consider the data, but in so doing, we know that datasets represent children and childhoods; families and lives. We have, at all times, kept their voices and stories with us.

**We will not take on the responsibility of others, so it is vital that governance and accountability frameworks enable effective and accountable shared working.**

## Accountability

Part of our responsibility is to monitor whether the overall inspection, regulation and scrutiny around the lives of children, young people and families who interact with the 'care system' values what they value - and measures what is important to them. We will not take on the responsibility of others, so it is vital that governance and accountability frameworks enable effective and accountable shared working.

The landscape is messy and inconsistent - and it needs to change. Many organisations are charged with responsibility for inspection and regulation of the workforce and services. Others scrutinise the use of public money for the achievement of policy aims and outcomes. All need to ask how those they scrutinise are keeping the promise.

The Promise Scotland has mapped public sector organisations that are accountable for their part of the 'care system'. The honeycomb-style graphic on the following pages highlights just how cluttered the landscape is.

Accountability needs to focus away from the individual parts of the 'system' and towards a collective accountability framework focused on the needs of children, young people and their families.

The graphic is only a partial snapshot of public agencies and other groups. We know that organisations across the third and private sectors are also key to keeping the promise. We will continue to assess whether each organisation is clearly sighted on their role to keep the promise to 2030 and beyond. We want them to think about how their governance structures help or hinder this – and ask themselves to account for their role in making the necessary changes. And we want inspectors and regulators to be asking about the promise as they undertake their responsibilities.

The busy framework is mirrored in Scotland's policy context. Of the 43 directorates of the Scottish Government, 26 have an interest in the implementation of the promise, straddling 49 of 117 policy areas. There are five Cabinet Secretaries and nine Ministers with responsibility to keep the promise, with the Deputy First Minister having a critical role in overseeing the collaboration across those portfolios. Despite this senior-level commitment, the overlapping responsibilities make it hard for those who are dependent on the government for guidance, funding and strategy to fulfil their responsibilities.

The promise report emphasised the importance of a "foundation of loving, caring relationships". This also needs to be reflected in how various parts of the 'system' treat other parts of the 'system'. There must be respect, tolerance and collaboration across Scotland for change to really happen.

Of the 43 directorates of the Scottish Government

**26** have an interest in the implementation of the promise,

straddling

**49** of **117** policy areas

# The 'care system' - a cluttered landscape



## Data

To be able to monitor, track and report on progress to keep the promise in a way that accurately and sustainably reflects children and families' lives and supports change, we need to be able to understand how the 'system' cares - and how care is experienced. It is not enough to be able to provide accountability for public spending and provision of support; there must also be accountability for the impact of that support, how it feels to experience it, and the outcomes it helps children and their families to achieve.

In starting to think about the work of reporting and monitoring, we turned to the data that Scotland currently collects. We knew that existing data would not provide a full picture, and were mindful of the following conclusion in the promise:

**'The way Scotland collects data is not always helpful in understanding the experiences of children'**

[the promise, p13](#)

At our meeting in [October 2021](#), we looked at specific data reports which represent key areas of change required by Plan 21-24.

**In each case, we found the data to be insufficient for understanding children's lives. This lack of data means it is also difficult for us to properly do our job.**

It is currently not possible to 'see' Isla in the data that is collected. Yet we know from lived experiences and the stories shared with the Independent Care Review that there can be a devastating human cost, including homelessness, separation of brothers and sisters, and early death. The way that data is predominantly used has evolved for the 'system', rather than being founded on what matters to children and families. Too often, it seems that things are measured which are easily quantifiable, rather

than things that matter, such as a child's personal development. Too often, the route to including local data in assessing the national picture is too complicated. Too often, statistics are reported so that progress can be demonstrated, rather than using information to make sure change is felt in people's lives.

There is an important role for national and routine data collection, but it will not always be about adding more numbers to an already complex landscape. This requires a shift to information that comes from relationships, to allow support to be properly focused and tailored to the needs of children and their families. This will require changing how data is defined, whose story and voice is heard and how we view the information.

The promise must be considered within the overall approach of the '[getting it right for every child](#)' (GIRFEC) policy adopted by the Scottish Government, which "supports families by making sure children and young people can receive the right help, at the right time, from the right people". The six areas of change required by Plan 21-24 and other policy areas, such as tackling poverty, must all work in tandem to keep the promise.

The Promise Scotland is building a data map from the perspective of children and families by exploring the datasets Scotland currently has and linking them to the experiences and outcomes outlined in the [Independent Care Review's composite stories](#).

Mapping in this way means that data, and the gaps within it, can be properly seen from the perspective of children and their families. It means the work to use that data and fill the gaps is able to be done from the same perspective, pushing us closer to being able to measure what matters.

The map will be published by The Promise Scotland in summer 2022. It will be linked to the evolving Change Programme to bring together the work underway across Scotland and the data that currently exists to monitor it. Keeping it up to date and useable will require all those involved in the collection of information about children and their families to support it.

## The data that exists

### Early death

**'Scotland should be a good parent to the children it has responsibility for. That means carers and workers must act, speak and behave like a family so that Scotland can be the best parent it can be.'**

[the promise, p87](#)

Tragically, the [Care Inspectorate's report](#) on the deaths of 'looked after' children in Scotland between 2012 and 2018 shows that 61 children died in the care of Scottish local authorities prior to their 18th birthday over that period. It includes analysis based on the experiences of those children, provided when their death was reported, such as the number of times they had been moved and where they lived. It uses that analysis to identify common themes and lessons that need to be learned.

Also included is a total number of death notifications (19) over a shorter time (2015-2018) for those who died between the ages of 18 and 26 while in receipt of continuing care and aftercare.

**There is no additional information on their lives or the circumstances of their deaths because that information is not collected.**

It is not possible for the Care Inspectorate to provide any analysis that would be useful to understand experiences, or that is necessary to identify the lessons which must be learned. A [Freedom of Information request](#) published by the Scottish Government in 2021 brought forward the publication of Care Inspectorate data for deaths

of care experienced people in 2019, 2020 and the first nine months of 2021. It provided combined totals on the number of deaths of 'looked after' children (17), and those in receipt of continuing care (seven) and throughcare and aftercare (35). It shows an overall increase in the number of deaths in 2019 and 2020, driven by the rise in deaths in throughcare and aftercare, with a subsequent decrease in 2021. The cause behind the change is unknown, because this is data on a group of people for whom no additional information is collected.

We recognise the national expectation that child death reviews will be conducted for all care experienced young people who die before their 26th birthday. By the time of our next report, we expect that this work will have begun to enhance the data landscape and that identified learning will be being actively used to prevent any child from dying prematurely.

**The avoidable death of a child or young person for whom Scotland has had responsibility is an unmitigated tragedy. The fact that the data lacks any information on the lives and experiences of care experienced young adults compounds what is already a heart-breaking position. Failure to understand not only makes it hard to monitor, but also fails to provide the chance to learn and make sure it stops.**

## Brothers and sisters

*‘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. There will always be some children who cannot stay with their families. Some will need to be away from their family for a short time, others will never live with their family again while many return later and as young adults.’*

[the promise, p19](#)

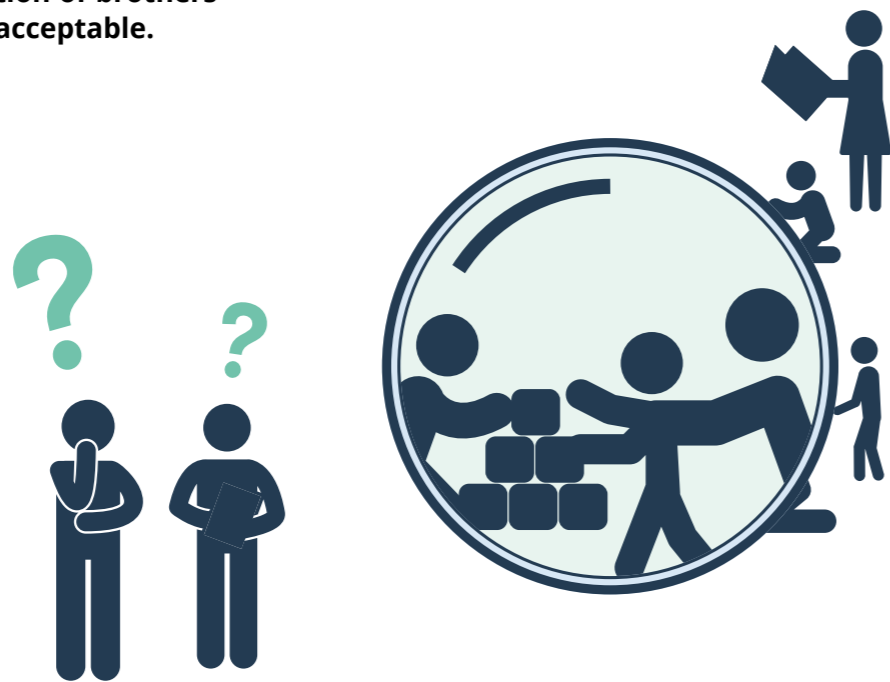
We acknowledge that progress on the ambition to keep brothers and sisters together has been made, but there continues to be a lack of planning for placements which can accommodate sibling groups and/or support for families with large sibling groups. **Ongoing separation of brothers and sisters continues to be unacceptable.**

**It is also very difficult to know at a national level whether Scotland is keeping its promise to keep brothers and sisters together. Whilst there is local reporting, there is not a coherent national picture of the numbers of children, who despite legislative intent, continue to be 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](#). And the Care Inspectorate publishes [data on fostering and adoption](#) collected from service providers annually. This shows the capacity of these services.

At best, the existing data can be used to show that Scotland does not have enough care placements for all brothers and sisters to live together. This can result 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. Neither of these options are consistent with keeping the promise.

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 the support and services within each area, but requires strategic planning and national support.



## Homelessness

*‘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.’*

[Plan 21-24](#)

Every child deserves a stable, loving home. The [Youth Homelessness Statistics](#), published annually by the Scottish Government’s Housing and Social Justice Directorate, show the number of young people aged under 24 who have made a homelessness application. Separately, 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 the 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.

**It is unacceptable for young people who have been ‘looked after’ to transition into the homelessness system. At present it the data is not sufficiently joined up to allow identification of care experienced people within all national datasets and for us to know with confidence the extent of the problem.** Furthermore we know there is ‘hidden data’ around homelessness – people who are ‘sofa surfing’, living in over-crowded accommodation, or rough sleeping.

Raw data will never tell the full story. There are many organisations and services which are supporting children and young people. These organisations provide trusted relationships which give them an insight into lives, experiences and outcomes.

## Restraint

***'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.'***

[Plan 21-24](#)

In 2018, the [Children and Young People's Commissioner Scotland](#) reported 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". This is unacceptable.

The data picture on the use of restraint is inconsistent:

- Only 18 local authorities collect data on all incidences of restraint and seclusion in schools and four 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.** Furthermore, 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. Where the data exists, it is too inconsistent and incomplete to be of any real value in assessing change.

## Youth justice

***'The disproportionate criminalisation of care experienced children and young people will end. Sixteen and 17-year-olds will no longer be placed in Young Offenders Institutes for sentence or on remand.'***

[Plan 21-24](#)

Being placed in prison-like settings is inappropriate for children, with long-lasting consequences on their mental health and life chances. The average number of children in custody decreased from 34 in 2019 to 17 in 2021, and the average number of children on remand decreased from 16 to 15. Yet the proportion of children on remand increased. This data is published every month by the [Children and Young People's Centre for Justice](#) and provides almost 'live' data on trends, directly relating to Plan 21-24's call to cease placing 16 and 17-year-olds in Young Offenders Institutions. The Scottish Government has [recently announced](#) that it will end this practice.

**The data does not give an understanding of what is driving those trends or whether the promise is being kept to children and young people who told the Independent Care Review that more focus needed to be given to their circumstances, relationships and experiences.** With the numbers involved, it is difficult to have confidence that what is being observed represents a genuine shift in culture and approach to the criminalisation of children.

## Right to education

***'Care experienced children and young people will receive all they need to thrive at school. There will be no barriers to their engagement with education and schools will know and cherish their care experienced pupils. The formal and informal exclusion of care experienced children from education will end.'***

[Plan 21-24](#)

**Educational outcomes for care experienced children and young people must mirror that of their peers.** In 2018-2019 there were 884 cases of school exclusions of children who were categorised as 'looked after'. A separate dataset showed that in 2020-21, during the Covid-19 pandemic, the figure was 515. Exclusions include both temporary exclusions and pupils removed from the register. We do not know the extent of informal exclusion.

**This data does not tell us anything meaningful.** There are differing reporting practices across local authorities, meaning this figure is only indicative. This data is only collected once every two years, so it is far from a complete picture.

What is of equal interest to us is data on attendance, achievement, attainment and positive destinations. We know [this data is collected](#) by the Scottish Government but it is unclear how it is analysed, or if it is used consistently by local authorities and individual schools. Progress based on what is best for each child's starting point would be more relevant, and fits with Scotland's 'getting it right for every child' approach. This will be achieved when there are personal learning plans in place. However, despite existing legislation that assumes 'looked after' children have additional support needs, they are not automatically assessed for Co-ordinated Support Plans.





# Our current assessment of progress

Despite the work of the Change Programme, the frustrating reality is that we still cannot adequately assess progress across the whole of Plan 21-24. The available data does not tell us or the organisations with responsibility in and around the 'care system' what they need to know to really support children, families and care experienced adults. However, there are some areas where we can provide a confident view on progress so far, which are detailed in this section. This includes areas of good progress, but also areas where Scotland is not on track to keep the promise:

## Commitment to keep the promise

There is a clear and ongoing commitment to keep the promise to Scotland's children and young people. The hope from 2020 remains and is being embedded in local authorities' children's services plans, new Care Inspectorate frameworks and Scottish Social Services Council proposed codes of practice. That is incredibly welcome and, while the progress may not yet be felt by individual lives and families, initial work to embed this commitment is a critical first step.

## Scottish Government funding for family support

The £500 million for family support [announced in the Programme for Government in September 2021](#) is welcome. It is even more welcome that, by the end of the parliamentary term, there is a pledge that at least 5 per cent of all community-based health and social care spend will be on preventative whole family support. This should go a long way to promote early intervention. Initial funding in 2022 of £50 million seems light, given the overall ambition, so we will look closely at the use of that funding and its strategic importance towards implementation. We want to see a clear

timeline for reaching the 5% milestone. Now that this funding has been committed and announced, the Scottish Government must focus efforts on what the money is achieving and where it is being spent.

## Hearings System Working Group

We welcome the willingness of Children's Hearings Scotland and the Scottish Children's Reporter Administration to be part of a redesign project, recognising that the role of the Children's Hearings System is critical in driving change, holding implementing authorities to account and ensuring that children and young people do not have to continue to retraumatise themselves with the retelling of their pain.

It is critical that work is ambitious and truly transformative to ensure that the Children's Hearings System is a place where children's rights are consistently upheld.

## Cross-border placements

A 'cross-border placement' describes a child or young person with care and support needs being moved to live in provision located in another country of the UK. Once again, we are concerned about the lack of robust and precise data available. In 2021, an [OFSTED report into children's social care in England](#) reported that around 20 children had been placed by English councils in Scottish secure units due to the lack of available places locally. The recent report on distance placements from the [Care Inspectorate](#) raised incredibly troubling information about many children not having their rights upheld due to lack of planning, inadequate resource and poor practice.

It continues to be unacceptable that some children are being forced to live too far from their home, and that often separates them from their families, does not uphold their rights.

This remains an issue across the landscape of secure and residential provision. The Scottish Government is currently attempting to address legal complexity through the laying of regulations in relation to residential care when a High Court in England or Wales has granted

a [Deprivation of Liberty Safeguards \(DOLS\) order](#). We have significant concerns about the unintended consequences of these regulations and support The Children and Young People's Commissioner Scotland [submission](#) to ensure children's rights are upheld. Overall what is lacking is a clear, collaborative plan between The Scottish Government and The UK Government to address the issues at the core of the problem. As the [Competition and Markets Authority Report into Children's Social Care in England, Scotland and Wales](#) found, inadequate provision in England is the key driver of cross border placements into Scotland.

The [promise report](#) made clear that such practices must stop and we are concerned that there is a lack of planning to end 'cross border placements'. It is also vital that there is clear strategic planning for the provision of care in Scotland, in line with Plan 21-24, to ensure that Scotland does not become complicit in the cross-border placement of children.

## Mental health provision

The continued lack of mental health provision for children and young people and the lengthy waiting lists are having a profound impact. We are aware of the work of [The Children and Young People's Mental Health and Wellbeing Joint Delivery Board](#), although we are very concerned about the wait for support for care experienced children and young people.

## Youth justice

We were concerned about the recent [Her Majesty's Chief Inspector of Prisons for Scotland pre-inspections survey](#) into the experiences of children held in Polmont Young Offenders Institute (YOI). The lack of urgency in removing 16 and 17-year-olds from YOI provision has been extremely disappointing, especially considering the evidence within that report. The Scottish Government's [recent announcement](#) that it will end this practice is welcome. What is required now is a clear timeline that reflects the promise made over two years ago.

We are not only interested in 'system' measures; removal of 16 and 17-year-olds from YOI settings cannot be the conclusion of the work. What Scotland needs is services and structures that provide genuine support and rights-based, trauma-informed practice.

There must be greater recognition and investment in access to justice for care experienced young people, as they have specific legal needs and rights and entitlements that are not always freely given. They often need to challenge public authorities. They need access to Legal Aid to do that.

## Use of restraint

Scotland does not know how many incidents of restraint and seclusion take place, how frequently, or how seriously. Regardless of these data gaps, there is continued use of restraint. The Scottish Government [recently committed](#) to "ensure that all care experienced children, wherever they live, will be protected from violence and experience the safeguard of equal protection legislation." We welcome this commitment but remain concerned about how it will be implemented and monitored to ensure that care experienced children are protected in the same way that their peers are. They must not be subjected to restraints that they told The Independent Care Review were painful, violent, unnecessary and embarrassing.

## Right to education

Outcomes for care experienced children and young people are significantly behind their peers. This is not aligned with the ambition in the [promise report](#).

To make progress, care experienced children and young people must be considered as part of all school improvement plans, and their attendance, achievement and attainment must be tracked, monitored and supported.

Exclusions must be prevented – their consideration demonstrates the failure of early intervention and support, and care experienced children must not reach that stage. It requires more than school policies to achieve change. Implementing

authorities and carers have to work collaboratively with schools to ensure support is there when it is needed, to ensure care experienced children can thrive and be cherished within their schools.

### Workforce capacity and support

We know that staff retention and recruitment is difficult, but we are concerned about workforce capacity in the 'care system'. If the workforce isn't supported, they can't support children and families. For the workforce to be properly trauma-informed, they need to be supported every day and have a workload which is manageable, so that they can really invest in relationship-based practice. Extra capacity needs to be created, which must include reorienting the core tasks of the workforce towards the values and aspirations of the promise. This requires governments councils, the third sector, trades unions and the private sector to all work together.

We welcome the Scottish Social Services Council's (SSSC) work to review the [codes of practice](#) for social service workers and employers. It is important that these are implemented and upheld in work environments and teams across Scotland, alongside the required professional values in other sectors such as teaching and healthcare.

### Cost-of-living crisis

With energy bills rising and inflation increasing significantly, and with further challenges to come in 2022, Scotland is in the grip of a cost-of-living crisis. [The promise report](#), on page 18, made clear that 'when the economy hurts children and adults, and housing and social security systems fail to provide the protection from harm needed to compensate, increased pressures on family life can increase the odds of interacting with the care system... these issues of poverty and the impact on families must be discussed openly to support all children to grow up loved safe and respected'.

We are therefore concerned that the impact of the cost-of-living crisis will disproportionately harm children, young people and families in the care experienced community.

## Our response to the Scottish Government's implementation plan on the promise

On 30 March 2022, the Scottish Government published its [implementation plan](#) on actions and commitments to keep the promise.

The report acknowledged that "we will need further engagement and collaboration in the months and years ahead to ensure that our actions bring the change we need to see; to continue to challenge us on where we need to go further; and to look to new actions that we need to take". It also acknowledged that "there are things we must stop doing" and "it will require difficult conversations along the way".

The update from the government is welcome. However, it does not go far enough.

Ultimately, what the government has published is more a statement of commitment than a true 'implementation plan'. We believe this was a missed opportunity to produce an adaptive, different kind of plan that meets the scale of the challenge.

At present, the focus is on better management of a crisis – not moving towards solution and prevention. We want to see a greater focus on tackling the poverty which prevents too many children and young people from thriving. We also want to see more focus on healthcare and the NHS, because lifelong care cannot exist if care experienced adults and young people are not included.

We continue to be concerned about the lack of connection between policy intention and practice. The Scottish Government must set coherent policy frameworks that ensure that funding is aligned to the intention, and partners are supported to understand their role and deliver change. The relationships between different parts of the 'system' need to be functioning to make that happen.

While we recognise the challenges caused by the Covid-19 pandemic, there is currently a risk that perception is considered more important than substance. We want to see a greater pace of genuine change and an in-depth, credible timebound plan.

## Our response to the Scottish Government's consultation on the National Care Service

In August 2021, the Scottish Government launched a consultation on the creation of a National Care Service (NCS). It proposed "that children's social work and social care services should be located within the NCS to ensure a more cohesive integration of health, social work, and social care."

The Promise Scotland wrote a comprehensive consultation response that was shared with us after submission in November 2021. Their work concluded that there is no clear evidence as to whether a National Care Service will or will not keep the promise. The Promise Scotland subsequently commissioned research into all published consultation responses, which reinforces this position.

The uncertainty created by this consultation interrupted and delayed both the process and the pace of change for ten months. This is not new. The perpetual motion of reviews, inquiries and commissions, examining intersectional issues from different angles, is a major contributor to Scotland's policy 'implementation gap'. The ever-present risk that the next set of conclusions might contradict the previous one creates circumstances that contribute to inaction - or worse still, permit paralysis.

## Our response to COSLA's 'We will keep The Promise' report

In April 2022, COSLA – the voice of local government in Scotland – published its report – ['We Will Keep The Promise'](#) – on work undertaken by councils to keep the promise.

The organisation said it "has been, continues to be, determined, and delighted to play our part in ensuring that Scotland's children grow up loved, safe and respected and able to reach their full potential."

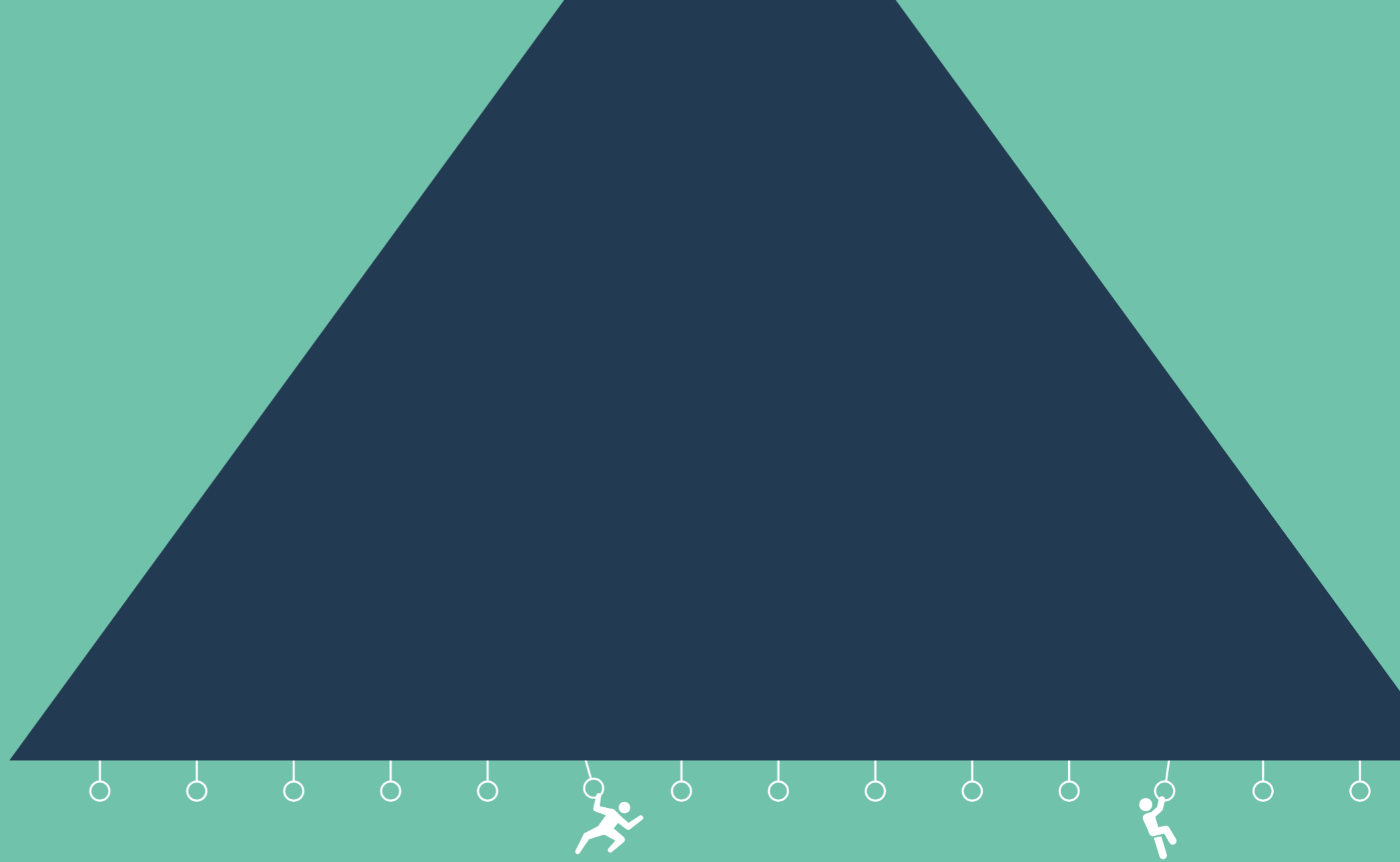
We welcome the publication and recognise that progress will be uneven across the 32 local authorities in Scotland.

However, it is unclear what strategic role COSLA intends to take in driving change across Local Authorities. COSLA should play a greater role in supporting those councils that are finding it harder to make progress on keeping the promise.

We also encourage COSLA to explore what local oversight should look like. We want elected councillors to be given guidance on how to ensure they can provide political leadership at a local level and how they can hold implementation authorities to account for change.

We would welcome a plan to drive change from COSLA, given their unique role, to move from a collation of good work to a plan for making strategic change.

# Driving change



## Driving change

We have a role to play in driving change. We will always support and encourage attempts to make progress, while calling out what is not working for children and families or where not enough is being done to keep the promise to the care community.

To do our job, we must be able to understand what change is happening and how that is making a difference to the lives of children, families and adults with care experience.

After assessing the progress to date, we have asked ourselves broader questions about our role in the broader monitoring landscape:

- How should progress and impact be measured in the context of the vast and complex change that is required to keep the promise?
- What further data and information do organisations need to enable the level of understanding required to monitor change now and beyond 2030?
- How can organisations ensure that what is measured and monitored reflects what matters to children, families and care experienced adults?

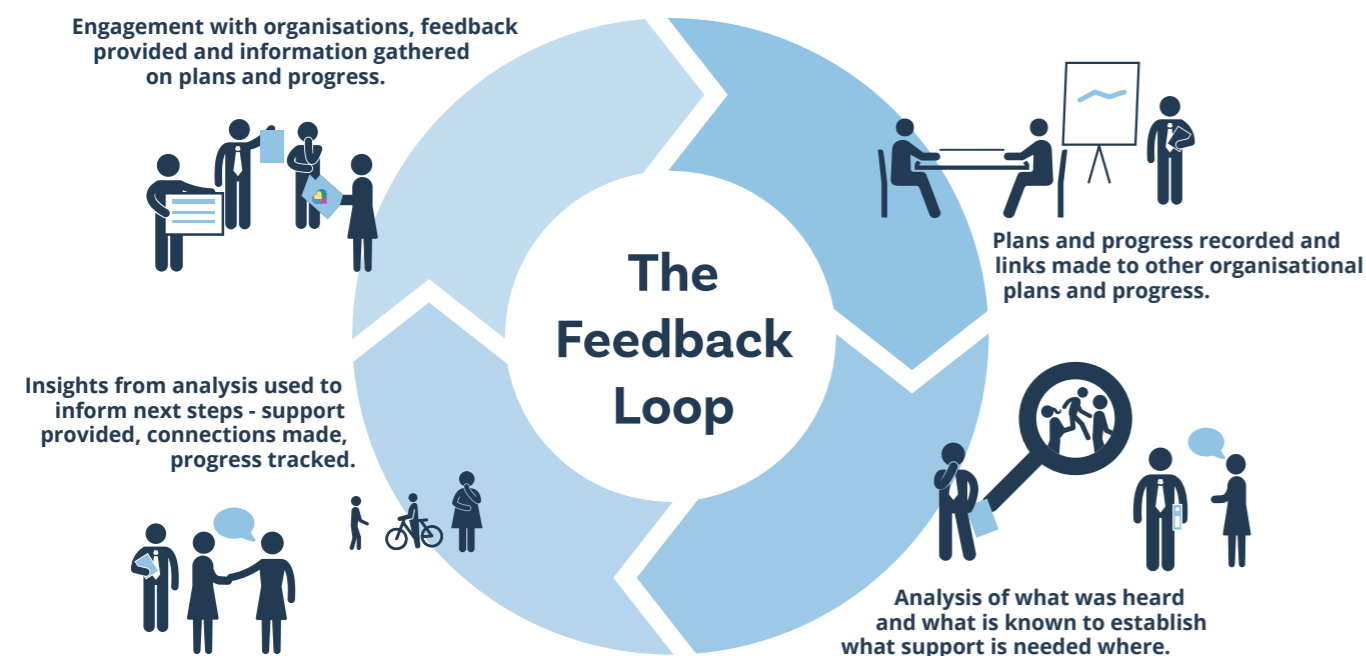
## Feedback loop

*A feedback loop: a system for improving a product, process, etc. by collecting and reacting to users' comments.*

Cambridge Business English Dictionary

The Promise Scotland developed and continues to develop a 'feedback loop' that will provide information about what is happening across Scotland. Keeping the promise requires sustained and significant effort from a wide variety of organisations. At present, there is not a robust information flow that allows collective understanding about what is happening in the lives of children and families in Scotland. The feedback loop will provide a way of bringing information together with data to ensure that there is a clear understanding of individual and collective work underway, a full view of the landscape within which that work is progressing and the necessary intelligence and data to monitor progress.

The Promise Scotland will use, assess and analyse that information to support us in our monitoring role.



As The Promise Scotland has come into being as an organisation and developed its team, it is creating a clear information flow that:

- **Engages** with and provides support to organisations across Scotland that are working to keep the promise.
- **Examines** what is heard along with other information from all over Scotland to see where more support is needed and where barriers need brought down.
- **Evaluates** all outputs to update the Change Programme and provides us with clear reports on progress so that we can fulfil our monitoring function.

The information and data pictures are constantly evolving, so a continuous mapping of progress made against the data available will be necessary. None of this will happen organically - it all needs work. Some of that work is already underway and we will be drawing upon that as it develops to inform our monitoring and reporting. No organisation should be waiting - they should already be taking action.

As the feedback loop develops, The Promise Scotland will be asking organisations:

- What has changed over the last year to ensure that your organisation and the people who work there have made things better for children, young people, their parents, carers and care experienced adults?
- What impact have these changes had - and how do you know?
- What changes are still to be made?

## English Care Review

The 2019 Conservative Manifesto included a pledge to 'review the care system to make sure that all care placements and settings are providing children and young adults with the support they need.' This pledge related to the English 'care system'. On Friday 15 January 2020, the Education Secretary Gavin Williamson announced the appointment of Josh MacAlister to Chair the review. On 23 May 2022, The Independent Review of Children's Social Care in England published its recommendations.

There are two issues that relate to children living in Scotland. The first is the position on 'cross-border placements' and 'distance placements.' It is critical that the proposed Regional Care Cooperatives proposed by the Review support English Local Authorities to provide sufficiency of places for children and young people to live. As detailed on page 32, the lack of suitable placements is the primary driver for this children's rights breach.

The second relevant recommendation is for 'care experience' to become a protected characteristic. This will require a change to the Equality Act to make it against the law to discriminate against someone because they have experienced care. The Equality Act is a reserved matter, meaning it is a decision that will be taken by the UK Parliament at Westminster even though it will have an effect in Scotland. All administrations across the UK must work together on any amendment to The Equality Act. This means taking an evidence-led approach and ensuring that any change is capable of making a tangible difference to stigma and discrimination for care experienced people.

# Conclusion



## Conclusion

Concluding our first report, we remain hopeful and optimistic. However, the current systems and structures do not make it possible to effectively monitor progress or measure the current pace of change. Keeping the promise to support families to stay together when this is safe to do so, and truly caring for children who live away from their families, is something we are confident that Scotland can deliver. We are here to help keep that ambition on track.

Commitment to the promise has withstood the incredible challenges of the Covid-19 pandemic. The change required is wide and deep, and in some places not sufficient, but it has started. We can see signs of some work of change underway. Nevertheless, we know that the change may not yet be felt by children, families and care experienced adults.

**Scotland does not have the systems and structures in place to properly understand the current experiences of children, families and care experienced adults in order to know if their lives are improving and whether those with responsibility towards them are stepping up to what is required.**

Some of the data, while not telling the whole story, is worrying. We know that brothers and sisters continue to be kept apart, 'looked after' children continue to be excluded from school, and there are tragic losses of life with early deaths. We will only know and understand where and why change is happening when we are able to measure and monitor the right things.

The challenge of driving change is made even harder by the complexity of the governance structures, as depicted in the honeycomb graphic included in this report. We are clear that this landscape needs to change and there must be a collective accountability framework focused on the needs of children, young people and their families. Connection, collaboration and communication are opportunities that must be seized.

We need all those with responsibility for data, governance and accountability to have a clear focus on what matters to the care experienced community. After the promise has been kept, Scotland can then continue to be structured and organised around the needs of its people, and particularly those children and care experienced adults to whom it has made a promise.



**The promise must be kept by 2030. More than two years have already passed since it was made. Scotland has less than eight years left. Progress is happening, but there must be greater urgency and demonstration of a collective understanding of the scale of change needed.**

Throughout this report, we have explored the 'system', the data, and the responses from those responsible for driving change. Amid this complexity, we will never lose sight of why our work matters.

By 2030, Isla will be 20. She has already lived with several families, changed schools, and had to repeatedly make new friends. Her self-esteem has been impacted, along with her confidence, her development, and her sense of belonging. Isla is saying this is hard, but who is listening to Isla? Who is fighting Isla's corner?

Isla can't afford for Scotland to delay the promise that has been made to her. She is twelve. What will the next eight years hold for her? Will she continue to be moved from family to family, from school to school, entering adolescence and adulthood without the support and care that she needs and deserves? Will she be happy and thriving, surrounded by close friends and with a bright future ahead of her? Will she grow up loved, safe, and respected so that she realises her full potential? Not only is this Isla's right, it is the ambition everyone should have for Isla, and for every child. **We firmly believe that Scotland can keep the promise.**

## Next Steps

Our role is to hold those responsible for delivering the promise to account and to monitor progress. Before we publish our next report on progress, we have set out what we want to see:

- Organisations with responsibility for delivering progress on the promise must recognise their responsibilities and have credible plans in place to deliver them.
- Data gaps must be closed in relation to these key areas identified in Plan 21-24 to allow us to collect and analyse the information we need on:
  - Homelessness
  - Early death
  - Brothers & sisters
  - Restraint
  - Youth justice
  - Right to education
- There is an urgent need to declutter the accountability landscape and there must be greater respect in the relationships between different parts of the 'care system'. A collaborative approach is needed, with peer accountability and better communication.
- The Scottish Government must focus more on its own areas of responsibility, particularly policy and funding, rather than seeking to manage delivery where that is the role of other organisations.
- The capacity of the 'care sector' workforce must be increased, with employees given greater support so that they, in turn, can support children and families.
- There must be a clear timeframe for the removal of 16 and 17-year-olds from Polmont Young Offenders Institute.
- The Scottish Government and COSLA must adopt a partnership approach to address whether Scotland has the right provisions in place to meet the ambition to keep brothers and sisters together.

## 2020

### February

On 5 February, the day the [Independent Care Review's seven reports](#) were published, a promise was made that the 'care system' would transform to provide the love, safety and respect that all children need to grow up and realise their full potential.



### March - May

The Independent Care Review was closed down and archived. A small number of the Review team started work to support the transformational change it had demanded, including setting up [The Promise Scotland](#). Fiona Duncan, who had chaired the Independent Care Review was appointed by the Deputy First Minister as Chair of [The Promise Oversight Board](#).

### June

The Scottish Government incubated the small team as they focused on creating the structures required to drive and oversee change.



### October/ November

Recruitment started for The Promise Oversight Board, to take on the responsibility of monitoring and tracking Scotland's progress to keep the promise. The team began the massive task of engaging and working with all those with responsibility to keep the promise with the view of developing Plan 21-24.

## 2021

### January

The Promise Oversight Board was established. Twenty members, in addition to the Chair, were appointed, with more than half having personal experience of the 'care system'. It met for the first time at the end of the month. All minutes are posted online.



### March

A non-statutory company called The Promise Scotland was established, with a function 'to support and monitor the implementation of the conclusions of the Independent Care Review until 2030, at the latest'. Following a process of review by The Promise Oversight Board, The Promise Scotland published [Plan 21-24](#). It was devised collaboratively, marking a new way of working together across sectors to co-create a single, multi-agency, collectively owned plan which sequences and frames the work required to keep the promise over the first three years. This organising framework describes the changes needed now and in the immediate future to keep the promise by 2030, as well as the collective effort required to make them happen.

### April

The Promise Scotland started a work programme on 'Using the Money Differently' in three areas to support a new approach to how money is invested in the care of children and young people.

### June

The Promise Scotland published the [Change Programme](#) to begin to track activity to keep the promise. Using Plan 21-24 as the organising framework, it also started the work of creating a space for reflection on what was (or was not) happening, and whether pace and progress was enough to keep the promise.

### August

The Scottish Government launched a consultation on a National Care Service, proposing that children and families should be included within a National Care Service.

The [Hearings System Working Group](#) was established as a partnership between Children's Hearing Scotland, the Scottish Children's Reporters Administration and The Promise Scotland, with the Scottish Government playing a critical role. Sheriff David Mackie was appointed as Chair. It first met in September. All [minutes](#) are posted online.



## 2022

### March

The Scottish Government published its Keeping the Promise Implementation Plan on progress towards the promise.

### April

COSLA published its Local Government Annual Report on progress towards the promise in local authorities.

### May

The Promise Oversight Board published its first report.



## More about The Promise Oversight Board

The Promise Oversight Board was established in January 2021. We were recruited through an open application process, with one seat held for the care experienced chair of Who Cares? Scotland. Fiona Duncan, who chaired the Independent Care Review, was ministerially appointed as Chair of The Promise Oversight Board. The term of office is three years.

We were recruited based on a set of agreed values that reflect those under which The Independent Care Review operated, and we continue to reflect and hold to those values in how we undertake our work:

- Committed to realising the vision of the Independent Care Review
- Determined to support change
- Brave, with a willingness to hold those with responsibility to account
- Dynamic and flexible
- Approachable
- Compassionate, with a willingness and ability to listen carefully to alternative perspectives
- Honest, with very high levels of personal integrity.

As a board, we have responsibility for the task of monitoring, tracking and reporting on Scotland's progress to keep the promise. There are real challenges to how we undertake our monitoring and reporting task and what information we use to assess progress, but our commitment is to be honest about our assessments while maintaining our belief that the task can be achieved.

In undertaking our role, we are supported by The Promise Scotland, a non-statutory company set up to support the work of change. The Promise Scotland has work underway that will support us in monitoring, tracking and reporting. We do not have governance responsibility for those projects, but the organisation helps us as we fulfil our role. We will make clear reference to the work of those projects where they have direct alignment to our monitoring responsibility.

## Board members

Fiona Duncan, Chair

Anna Fowlie

Ashley Cameron

Carrie McLaughlan

David Anderson

Euan Currie

Ewan Aitken

Dr Helen Whincup

Iain MacRitchie

Jasmin-Kasaya Pilling

Jemma Kerr

Kezia Dugdale

Maria McGill

Professor Morag Treanor

Neil Squires

Dr Patricia Watts

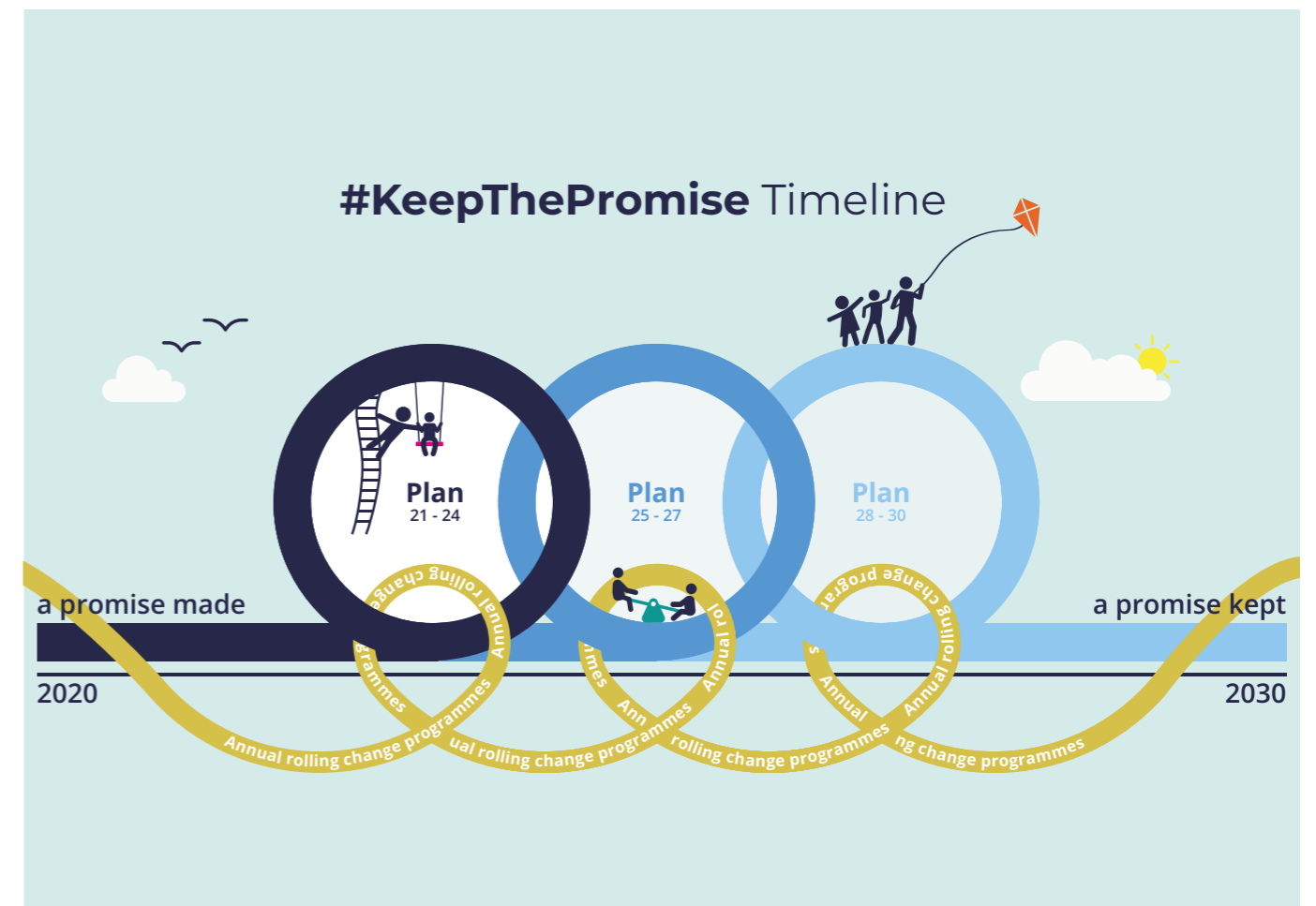
Ruth Glassborow

Ryan McCuaig

Sharon McGhee

Taliah Drayak

Tracey McFall





## Key references

The Promise Oversight Board. Minutes of each meeting are available here:  
<https://thepromise.scot/oversight-board/>

The Promise Scotland. A non-statutory company set up to support the work of change.  
[www.thepromise.scot/](http://www.thepromise.scot/)

The promise report:  
[https://www.carereview.scot/wp-content/uploads/2020/03/The-Promise\\_v7.pdf](https://www.carereview.scot/wp-content/uploads/2020/03/The-Promise_v7.pdf)

Six further Independent Care Review reports:  
<https://www.carereview.scot/conclusions/independent-care-review-reports/>

The Independent Care Review. Established by the First Minister in 2016.  
[www.carereview.scot](http://www.carereview.scot)

Independent Care Review composite stories:  
<https://www.carereview.scot/conclusions/composite-stories/>

Plan 21-24. Published by The Promise Scotland in March 2021 to set out what must happen between now and 2024 to ensure Scotland stays on track :  
<https://thepromise.scot/plan-21-24-pdf-spread.pdf>

The Change Programme. Published by The Promise Scotland in June 2021 to outline what is happening now, what is happening next and what needs to happen. <https://thepromise.scot/change-programme-one/>

COSLA report – ‘We will keep the promise’: <https://thepromise.scot/oversight-board/>

Scottish Government report – Keeping the promise implementation plan:  
<https://www.gov.scot/publications/keeping-promise-implementation-plan/>

